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Security Council

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Draft resolution

The Security Council,

Reaffirming its resolutions 1261 (1999) of 25 August 1999, 1314 (2000) of 11 August 2000 and 1379 (2001) of 20 November 2001, which provide a comprehensive framework for addressing the protection of children affected by armed conflict,

Further recalling its resolutions 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000, 1306 (2000) of 5 July 2000, 1308 (2000) of 17 July 2000, and 1325 (2000) of 31 October 2000, as well as all Statements of its President on children and armed conflict, and taking note of the Secretary-General's report on Women, Peace and Security of 16 October 2002 (S/2002/1154),

Reiterating its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to address the widespread impact of armed conflict on children,

Underlining the need for all parties concerned to comply with the provisions of the Charter of the United Nations and with international law, in particular those regarding children,

Emphasizing the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children,

Underlining the importance of the full, safe and unhindered access of humanitarian personnel and goods and the delivery of humanitarian assistance to all children affected by armed conflict,

Welcoming the entry into force of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,

Noting the fact that the conscription or enlistment of children under the age of 15 into the national armed forces or using them to participate actively in hostilities is classified as a war crime by the Rome Statute of the International Criminal Court, which recently entered into force,

Having considered the report of the Secretary-General of 26 November 2002 on the implementation of, inter alia, its resolution 1379 (2001),

1. *Supports* the Secretary-General's call for "an era of application" of international norms and standards for the protection of children affected by armed conflict;

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2. *Encourages* the agencies, funds and programmes of the United Nations, within their respective mandates, to strengthen their cooperation and their coordination when addressing the protection of children in armed conflict;

3. *Calls upon* all parties to armed conflict, who are recruiting or using children in violation of the international obligations applicable to them, to immediately halt such recruitment or use of children;

4. *Expresses its intention* to enter into dialogue, as appropriate, or to support the Secretary-General in entering into dialogue with parties to armed conflict in violation of the international obligations applicable to them on the recruitment or use of children in armed conflict, in order to develop clear and time bound action plans to end this practice;

5. *Notes with concern* the list annexed to the Secretary-General's report, and calls on the parties identified in this list to provide information on steps they have taken to halt their recruitment or use of children in armed conflict in violation of the international obligations applicable to them, to the Special Representative of the Secretary-General for Children and Armed Conflict, bearing in mind the provisions of paragraph 9 of its resolution 1379 (2001);

6. *Expresses*, accordingly, its intention to consider taking appropriate steps to further address this issue, in accordance with the Charter of the United Nations and its resolution 1379 (2001), if it deems that insufficient progress is made upon the review of the next Secretary-General's report;

7. *Urges* Member States, in accordance with the United Nations Programme of Action on Small Arms and Lights Weapons to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons, to take effective action through, inter alia, conflict resolution and the development and implementation of national legislation, in a manner which is consistent with existing responsibilities of States under relevant international law, to control the illicit trade of small arms to parties in armed conflict that do not respect fully the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict;

8. *Calls upon* States to respect fully the relevant provisions of applicable international humanitarian law relating to the rights and protection of children in armed conflict, in particular the four Geneva Conventions of 1949, inter alia, the Convention relative to the Protection of Civilian Persons in Time of War;

9. *Reiterates* its determination to continue to include specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including provisions recommending child protection advisers on a case-by-case basis and training for United Nations and associated personnel on child protection and child rights;

10. *Notes with concern* all the cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crisis, including those cases involving humanitarian workers and peacekeepers, and requests contributing countries to incorporate the Six Core Principles of the Inter-Agency Standing Committee on Emergencies into pertinent codes of conduct for peacekeeping personnel and to develop appropriate disciplinary and accountability mechanisms;

11. *Requests* the agencies, funds and programmes of the United Nations, with support from contributing countries, to implement HIV/AIDS education and offer HIV testing and counselling services for all United Nations peacekeepers, police and humanitarian personnel;

12. *Calls upon* all concerned parties to ensure that the protection, rights and well-being of children are integrated into the peace processes, peace agreements and the post-conflict recovery and reconstruction phases;

13. *Calls upon* Member States and international organizations to ensure that children affected by armed conflict are involved in all disarmament, demobilization and reintegration processes, taking into account the specific needs and capacities of girls, and that the duration of these processes is sufficient for a successful transition to normal life, with a particular emphasis on education, including the monitoring, through, inter alia, schools, of children demobilized in order to prevent re-recruitment;

14. *Calls on* parties involved in armed conflict to abide by the concrete commitments they have made to the Special Representative of the Secretary-General for Children and Armed Conflict and to cooperate fully with the United Nations system in the implementation of their commitments;

15. *Requests* the Secretary-General to ensure that in all his reports to the Security Council on country-specific situations, the protection of children in armed conflict is included as a specific aspect of the report;

16. *Further requests* the Secretary-General to submit a report by 31 October 2003 on the implementation of this resolution and of its resolution 1379 (2001) which would include, inter alia:

(a) Progress made by the parties listed in the Annex of his report in ending the recruitment or use of children in armed conflict in violation of international obligations applicable to them, taking into account the parties to other armed conflicts that recruit or use children which are mentioned in the report in accordance with paragraph 16 of resolution 1379 (2001);

(b) An assessment of violations of rights and abuses of children in armed conflict, including in the context of illicit exploitation and trafficking of natural resources and of illicit trafficking of small arms in conflict zones;

(c) Specific proposals on ways to ensure monitoring and reporting in a more effective and efficient way within the existing United Nations system on the application of the international norms and standards for the protection of children in situations of armed conflict in all its various aspects;

(d) Best practices on integrating the specific needs of children in armed conflict into disarmament, demobilization, rehabilitation and reintegration programmes, including an assessment of child protection advisers in peacekeeping and peace-building support operations, and on negotiations aimed at ending the recruitment or use of children in armed conflict in violation of international obligations applicable to the parties concerned;

17. *Decides* to remain actively seized of this matter.

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999) of 10 June 1999, by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of the mandate. The current report covers the activities of UNMIK and developments in Kosovo, Federal Republic of Yugoslavia, since my report of 9 October 2002 (S/2002/1126). Matters reported to the Security Council at its meeting on 6 November 2002 and by the Council's Mission to Kosovo and Belgrade, Federal Republic of Yugoslavia, are referred to, as appropriate (see S/PV.4643 and S/2002/1376). For ease of reference, the outline below follows the headings contained in the UNMIK chart attached as an annex to the present report.

II. Functioning democratic institutions

A. Provisional Institutions of Self-Government

2. Kosovo's Provisional Institutions of Self-Government, the Assembly and the Government, have been in existence for about one year. During this time, the Government has forwarded 14 laws to the Assembly, six of which have been endorsed and sent to my Special Representative for promulgation in line with the Constitutional Framework on Provisional Self-Government in Kosovo (see UNMIK regulation 2001/9 of 15 May 2001). Of these six, four were signed into law and two sent back to the Assembly for further consideration, as they did not adhere to the division of responsibilities laid down in the Constitutional Framework and did not respect the rights of communities enshrined in that document.

3. The transfer of responsibilities from UNMIK to the Provisional Institutions over the past year has taken two forms: first the transfer of political authority to take relevant decisions, which was immediate, and secondly the transfer of executive functions from international staff to Kosovo civil servants, which was incremental. Progress in assuming executive functions has varied between the Ministries, depending on their organizational structure and ability to recruit and retain qualified staff. Appointment of senior staff was delayed, inter alia, owing to difficulties in

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identifying suitable candidates willing to accept a comparatively low salary and the politicization of senior civil servant posts. This, in turn, delayed the appointment of other civil service officers. Nearly 50 per cent of senior Kosovo civil servant posts remained unfilled, requiring international staff to remain in line functions in some Ministries. International staff continued to perform the functions of Permanent Secretary in two Ministries. By the beginning of 2003, the remaining eight Permanent Secretaries had been recruited, including one woman. By the end of the year, the overall vacancy rate was 14 per cent and Kosovo civil servants in most Ministries were increasingly taking the initiative in solving day-to-day problems, as the reliance on international staff diminished.

4. Efforts continued to establish a multi-ethnic civil service, although obstacles remained. These included a limited pool of minority community candidates, security concerns, inter-ethnic tensions in the workplace and limitations on freedom of movement. Another constraining factor has been the open discouragement by certain Serbian Ministries and political parties (such as the Serb National Council) of minority community applications, in particular for health and education posts. Efforts continued to overcome the obstacles, for example, by the extension of bus service, which has had a positive impact on the willingness of members of minority communities to work in Pristina. Additional efforts included placing appropriate advertisements in minority media outlets and including members of minority communities in recruitment panels. At the end of October 2002, the Office of the Prime Minister presented its preliminary plan for the proportional representation of minority communities in the civil service to the Advisory Board on Communities.

5. At the beginning of 2003, the level of minority community representation in most of the central bodies averaged only less than 6 per cent. Minority community representation averaged approximately 10 per cent in the transferred Ministries of Education, Science and Technology; Agriculture, Forestry and Rural Development; Culture, Youth and Sports as well as the Kosovo Assembly Secretariat; and, in the reserved areas, in the Directorate of Administrative Affairs, the Office of Community Affairs, and the Directorate of Rural Affairs. In contrast, there were hardly any minority employees (less than 1 per cent) in the public utilities field (electricity, water, telecommunications). At the municipal level, the level of minority community employment in the civil service averaged 12 per cent. This was primarily attributable to employment within the municipal community offices, as a result of an UNMIK direction, rather than through employment in the municipal structures. The highest representation in municipal structures was in the Gnjilane region, where four out of five mixed municipalities reflected an acceptable level (12 per cent) of minority employment. The level of minority representation in other municipalities was considerably lower, particularly in the Pec region.

6. Overall, the Ministries succeeded in executing their budgetary allocations for 2002. At 489.1 million euros, the Kosovo consolidated budget for 2003, endorsed by the Assembly at the end of December, represents an increase of 19 per cent over the 2002 budget, 95 per cent of it derived from domestically generated revenue. Seventy-two per cent of the 2003 budget (€370 million) was allocated to responsibilities transferred to the Provisional Institutions of Self-Government (€342 million) and the municipalities (€28 million).

7. The lack of appropriate rules and procedures and non-adherence to existing rules has presented obstacles to the transfer of responsibilities, including rules of

executive business of the Government, office procedure for the Ministries, rules for delegation of financial and administrative powers for officers of the Ministries, pay rules and accounting guidelines. UNMIK has drafted rules for some of these areas to be used on a provisional basis and has encouraged the relevant Ministries to draft the rules that lie within their purview.

8. Government meetings and Assembly sessions towards the end of 2002 were characterized by an increasing desire to encroach on the powers reserved for the Special Representative, such as the power to set the budgetary parameters, rather than concentrating on the urgent matters over which these bodies have responsibility. On 15 January 2003, in the face of adverse public reaction to an increase in income tax, the Government issued a statement distancing itself from the tax increase, which it had previously agreed to in the Economic and Fiscal Council in mid-October. In its statement, the Government called for the postponement of the implementation of the relevant regulation (UNMIK regulation 2002/4) until the Law on Financial Management and Accountability is promulgated and recommended the continuation of 2002 taxation levels until that time. In an extraordinary session of the Economic and Fiscal Council on 24 January, the Government presented a revised scale of personal income tax rates. The revised scale, with which the World Bank and the International Monetary Fund (IMF) had indicated general agreement, was endorsed.

9. Despite a stated commitment by the Provisional Institutions, particularly the Government, to fulfilling the benchmarks, some Kosovo Albanian Cabinet members publicly distanced themselves from the benchmarks at the end of 2002, as noted in the report of the Security Council on its mission to Kosovo and Belgrade (S/2002/1376, para. 19). Some held that placing standards before status was ineffective and that both should be pursued simultaneously. Some maintained that some standards could not be achieved without defining the status of Kosovo. Others continued to support the standards before status policy, but asserted that many of the standards had already been achieved. Despite consultation on the benchmarks, there remains a reluctance to engage on the part of the Provisional Institutions. Several of the New Year messages of leading Kosovo Albanian politicians called for independence in 2003. The majority of Kosovo Serb leaders have endorsed the "standards before status" approach and have taken a firm stance that status should not be negotiated before the standards have been reached. However, in January 2003, the Serbian Prime Minister called for final status negotiations to begin this year.

10. By the beginning of 2003, it was also clear that there were renewed tensions among the Kosovo Albanian coalition partners, an uneasy alliance from the outset, specifically between the Democratic League of Kosovo (LDK) on the one hand and the Democratic Party of Kosovo (PDK) and the Alliance for the Future of Kosovo (AAK) on the other. The belief that recent violence, to which LDK members fell victim, was politically motivated has deepened the divisions between the main parties and exacerbated tensions that had previously seemed to subside.

11. Throughout 2002 the Assembly, with the assistance of the Institution-Building Pillar's Assembly Support Initiative, formed the rudimentary structures needed for a functioning parliament. Eighteen committees were formed. Assembly members visited other parliaments, including the European Parliament, and on 9 January 2003 the Assembly adopted its rules of procedure, which UNMIK is currently reviewing

to ensure that they are in accordance with the Constitutional Framework. It had become apparent that 18 committees for a 120 member Assembly is a cumbersome structure and that the work of the committees would benefit from technical expertise and public hearings. It is inherently difficult for the representatives of the smaller minority groups to participate adequately in the committee work, a fact which limits their participation in the legislative process in some areas.

12. There were continued instances of the Assembly overstepping its competences. On 8 November the Assembly adopted a resolution rejecting the inclusion of Kosovo in the preamble of the Constitutional Charter of the State Union of Serbia and Montenegro, which was viewed by the Kosovo Albanian majority as prejudging Kosovo's final status. In December, my Special Representative sent back to the Assembly the Law on External Trade Activity, which was in violation of the Constitutional Framework. Also in December, UNMIK headed off a draft resolution on independence prepared by AAK.

13. The Assembly continued to show reluctance to accommodate minority community demands, illustrated by the higher education bill, which my Special Representative sent back to the Assembly for further consideration (see S/2002/1126, para. 4). On 7 November, the Kosovo Serb Return Coalition (KP) walked out of the Assembly on grounds of perceived persistent discrimination by the majority, particularly the President of the Assembly. On 24 January, KP members voted overwhelmingly to return to the Assembly.

14. UNMIK initiated the formal monitoring of Assembly proceedings to ensure compliance with the Constitutional Framework and the Provisional Rules of Procedure, with particular emphasis on respect for the rights of communities, and to make recommendations for corrective action.

B. Establishing the authority of the United Nations Interim Administration Mission throughout Kosovo: Mitrovica

15. On 25 November, UNMIK established its administration in northern Mitrovica, thus extending its authority throughout the whole of Kosovo for the first time since its deployment in June 1999. The way for this was paved by the agreement of the authorities of the Federal Republic of Yugoslavia to discontinue the financing of parallel structures, including parallel security structures, and to support UNMIK in assuming control of the administrative functions and developing the Kosovo Police Service (KPS) in northern Mitrovica. There are still some institutions that continue to receive financing from Belgrade, especially in the health sector.

16. With this assumption of authority, UNMIK began to implement relevant provisions of the 7-point plan for Mitrovica that my Special Representative had outlined on 1 October 2002. By the beginning of 2003, KFOR and UNMIK Police were manning the bridge, instead of the so-called "bridge-watchers"; approximately 20 Kosovo Serb KPS officers were deployed in the northern Mitrovica region and are now patrolling the streets. On 5 December, six Kosovo Serb correctional officers graduated from the Kosovo Police Service School and were assigned to the Mitrovica detention centre. So far, 60 Kosovo Serbs have been recruited to work for the UNMIK administration, most of whom worked in the pre-conflict municipal administration. Fifty-seven of those recruited began work in January 2003. By 20 January, most Kosovo Serb teachers had signed UNMIK contracts, although, as yet,

no health workers have agreed to such contracts. The headquarters of the Kosovo Trust Agency (KTA) moved to northern Mitrovica; and nine quick-impact projects were initiated, including the installation of traffic lights and the refurbishment of schools.

17. Progress was also made regarding the rule of law, with the surrender of a Kosovo Serb leader on 9 October following an attempt by UNMIK Police to arrest him in August 2002 on suspicion of involvement in the injury to 22 UNMIK Special Police Unit officers during riots in Mitrovica in April. The charges against him were reduced in light of the evidence that had been collected, and he was subsequently released on bail. The trial of another Kosovo Serb, charged with instigating the April riots in Mitrovica, began on 22 November.

C. Municipal elections

18. Kosovo's second municipal elections were held on 26 October 2002 (see S/PV.4643). The ballot and the electoral campaign that preceded it were conducted in an orderly and calm fashion. The overall turnout of 54 per cent (58 per cent in Kosovo and 14 per cent in Serbia and Montenegro) was depressed by a low turnout among the Kosovo Serb community of around 20 per cent. The Kosovo Serbs voted predominantly in the five municipalities where they constitute a majority: Leposavic, Zvecan, Zubin Potok, Strpce and Novo Brdo. Participation elsewhere was minimal and there was a virtual boycott in northern Mitrovica city. The low turnout of Serbs was, in part, attributed to mixed signals from the authorities of the Federal Republic of Yugoslavia and of Serbia regarding participation, as well as doubts on the part of Kosovo Serbs regarding the benefits of participation in the political process. Kosovo Serb candidates won the majority in Leposavic, Zvecan and Zubin Potok, Strpce and Novo Brdo. The results showed that where Kosovo Serbs took part in large numbers, the Return Coalition lost out mainly to the Democratic Party of Serbia and to the Serb National Council Mitrovica. There were voices on the Kosovo Albanian side indicating that the lower turnout among the Kosovo Albanian community compared to the previous two elections reflected some dissatisfaction with local institutions and political leaders.

19. Almost all the new Municipal Assemblies were formed by the end of 2002. Some problems emerged in the mixed municipalities, which were won by the Kosovo Serbs, particularly in Novo Brdo, where physical and verbal assaults against senior Kosovo Serb members of the administration by Kosovo Albanians at the beginning of 2003 triggered a walkout of all Kosovo Serb municipal employees for several days. In some municipalities, where the Kosovo Serbs gained only one seat, there has also been reluctance on the part of that individual to take part in the Assembly.

20. Minority communities hold the balance of power in several assemblies. In Prizren, for example, the LDK allied itself with the Kosovo Turkish community, which gained four seats. The Municipal Assemblies no longer include appointed members, only elected ones. As a result, there are now fewer minority community members in the Municipal Assemblies. In some areas, where minority communities are small, or minority community turnout was low, some communities made practical arrangements to continue their participation in municipal life to the extent possible. In Kamenica, for example, the 11 former Kosovo Serb Municipal

Assembly members formed a team to continue participation in the Municipal Assembly's standing committees. Similarly, the Roma community in Kamenica agreed that it would nominate one person for the committees and the Municipal Working Group on Return. Of the mandatory committees required under Regulation No. 2000/45 on the Self-Government of Municipalities, only 15 Community Committees and 10 Mediation Committees have been established so far, although few of these are fully functioning. In order to safeguard minority communities, the UNMIK regulation on the 2003 Kosovo Consolidated Budget introduced both protective and corrective measures, particularly with regard to fair-share financing for minority communities.

21. As a result of gender requirements in the electoral legislation and the system of closed lists, 28.5 per cent of the new Municipal Assemblies are made up of women representatives. This is a substantial improvement on the 8 per cent achieved at the 2000 elections.

22. To pave the way for an eventual handover to local institutions, there was an increased transfer of electoral responsibilities to the Municipal Election Commissions, which played a leading organizational role. Some 12,000 domestic observers were also accredited for the vote. Reductions were made in international supervisory involvement, with the blanket election supervision of the last two years replaced by a ratio of one international polling station supervisor to three polling stations. In addition, earlier in 2002, an Election Working Group began deliberations to determine the future electoral formula and regulations.

23. On 18 December 2002, the responsibility for financial administration was transferred to 24 (out of 30) municipalities. These municipalities were certified by independent auditors as having adequate budgetary and financial management systems in place with the requisite financial procedures and controls. UNMIK monitors the certified municipalities to ensure that they comply with their obligations under UNMIK regulation 2000/45, including the protection of the rights and legitimate interests of all communities. Municipalities that fail to meet these obligations will face measures, including the holding back of resources.

D. Decentralization

24. Following an initial announcement in October 2002, my Special Representative met with political leaders in November to discuss the concept of decentralization. In December, the Institution-Building Pillar co-organized the first in a series of informal decentralization conferences that brought together local government experts and practitioners from Kosovo, Austria and Slovenia. Also in December, experts from the Council of Europe held preliminary discussions with UNMIK and local leaders at both the central and municipal levels, initiating a process to build consensus from the grassroots on a decentralization strategy.

III. Rule of law

A. Security situation

25. Crime statistics reflected an overall decline in serious crime in Kosovo throughout 2002 as shown below.

Offence	*2001*	*2002*
Murder	136	65
Kidnapping	153	75
Grievous assault	274	454
Rape and attempted rape	124	105
Robbery	483	398
Arson	209	259

(Crime statistics are for 1 January to 30 November 2002.)

However, there were several cases of violence with political overtones. In December 2002 and January 2003 there were three car-bombings in the space of four weeks. On 4 January a Kosovo Albanian was murdered. The victim was close to the LDK and a former member of the so-called "Armed Forces of the Republic of Kosovo", who had also been a witness for the prosecution in a high-profile trial of former members of the Kosovo Liberation Army (KLA). Two of his relatives were also killed in the incident, one of whom was the head of the LDK Youth Forum in Decani. Other murders included the shooting of the LDK President of the Municipal Assembly of Suva Reka on 27 October, the killing of a prominent lawyer and human rights activist involved in the issue of missing persons on 4 November, the killing of a former member of the Kosovo Liberation Army on 25 December and the attempted killing in mid-December of a Kosovo Albanian reportedly a witness for the prosecution in another high-profile case against former KLA members. On 9 January, the LDK organized a protest march against political violence in Pristina, attended by approximately 1,500 people. Demonstrations were also held in Pec and Prizren to protest the recent violence.

26. There were also several cases of violence against minority communities, particularly the Kosovo Serb community. This ranged from the stoning of Kosovo Serb internally displaced persons looking at a potential return site, to an attack on Kosovo Serb pensioners in Pec and the blowing up of two Orthodox churches. In the mixed region of Gnjilane there were several grenade attacks, including several against the property of a Kosovo Serb KPS officer and the murder of a Kosovo Serb shepherd in Crnica.

27. In response to these incidents, funds from the Kosovo consolidated budget were allocated to pay for the repair to the damaged Orthodox churches; curfews were imposed in problem areas and two Kosovo Albanians were arrested for the murder of the shepherd. Arrests were also made in the stoning incident. The violence against the Kosovo Serb community was widely condemned by the international community, while reaction from the Kosovo leadership tended to be more muted, with the exception of the Prime Minister and municipal officials in Gnjilane region, who spoke out clearly against ethnically motivated incidents.

B. Well-functioning and sustainable police system

28. Of the more than 5,200 officers in the Kosovo Police Service (KPS) almost 15 per cent are from minority communities, 9 per cent of whom are Kosovo Serbs. Approximately 17 per cent of KPS officers are women. Work continued to build up the ranks and train managers in the KPS. On 22 November, 15 more KPS officers graduated from the first-line management course, bringing the total to 463. Together with UNMIK Police, the KPS gradually began to assume responsibility for some law and order activities previously carried out by KFOR. An important development was the introduction of KPS officers into the northern part of Mitrovica (see para. 15 above). A further development was the handover in mid-November of the first two police stations, Gracanica (Pristina region) and Kacanik (Gnjilane region), to KPS control.

C. Well-functioning local justice system

29. Progress was made in recruiting members of minority communities to the Kosovo judiciary. On 11 December, after following the appropriate procedures, which had been delayed by the reluctance of the Assembly to endorse the candidates, my Special Representative appointed 42 additional judges and prosecutors, 21 of whom were Kosovo Serbs, 19 Kosovo Albanians, one Bosniac and one Gorani. This represents an improvement compared to the situation in March 2002, when out of 339 judges and prosecutors working in the Kosovo courts, only four were Kosovo Serbs, two Roma, nine Bosniacs and seven Turks. Thirteen of the new Kosovo Serbs appointed have been sworn in. The remaining eight have hesitated, due to security concerns and the level of salary. These new judicial appointments bring the total of the Kosovo judiciary to 373, including 16 Kosovo Serbs and 17 from other minority communities. The local judiciary handles 90 per cent of all criminal cases and all civil cases. The new appointments will receive training on the applicable law by the Kosovo Judicial Institute, established by the Institution-Building Pillar.

D. Penitentiary system

30. At present there are 1,202 local Kosovo correctional staff officers, of whom 18 per cent are female and 12 per cent are from minority communities. The targeted total is 1,688. Progress was made in developing the penal system in line with modern European standards. The Conditional Release Commission was established on 1 October. By the end of 2002 the Commission has considered 20 cases and granted conditional release to 16.

E. Organized crime, terrorism, related offences and war crimes

31. Combating organized crime continued to be a high priority. Areas for action include building on the Declaration on Cigarette Smuggling from the regional conference in Pristina in May 2002, seeking the establishment of a regional witness protection programme and seeking greater cooperation between UNMIK Police and customs and neighbouring police and customs services. Progress was made on this

last point, with UNMIK concluding a police cooperation agreement with Albania and beginning discussions on a similar agreement with the authorities of Bosnia and Herzegovina. On 20 December, UNMIK signed a memorandum of understanding with Interpol, establishing a framework for information exchange in the field of crime prevention and criminal justice.

32. In 2002, the Police Trafficking and Prostitution Investigation Unit conducted more than 350 raids on premises throughout Kosovo, closed down 61 premises for engaging in trafficking-related activities and filed 92 charges for trafficking offences. The Financial Investigation Unit began operations on 21 January 2003.

33. Following arrests earlier in the year (see S/2002/1126, para. 19), the first indictment was made on war crimes charges against former members of the Kosovo Liberation Army (KLA). On 19 November an international prosecutor indicted four Kosovo Albanians on charges of war crimes. On 17 December, five other former members of the KLA were convicted on charges of unlawful detention and inflicting grievous bodily harm against Kosovo Albanians in the Pec region in 1999 and sentenced to prison terms ranging from three to five years. One was convicted of murder and sentenced to 15 years. On 11 November, an international prosecutor indicted two Kosovo Albanians, accused of procuring significant amounts of weapons in pursuit of insurrection in the northern part of the former Yugoslav Republic of Macedonia, on charges of terrorism. By the end of 2002 there were 29 international judges and prosecutors dealing with sensitive cases, such as those related to terrorism, war crimes and organized crime.

IV. Freedom of movement

34. KFOR continued the process of "unfixing" its static checkpoints. By the beginning of 2003, KFOR had only 30 fixed checkpoints remaining throughout Kosovo, a reduction of 66 per cent since February 2002. KFOR assessed that the security situation had improved to the extent that the environment was safe enough for Kosovo Serbs to move around without escort. As a result, KFOR escorts were reduced by almost half since February 2002, leaving a total of 54 regular military escorts Kosovo-wide. This decision encountered some resistance on the part of the Kosovo Serbs, who kept their children away from school. This led to the temporary reinstatement of some escorts for schoolchildren. In some areas, KFOR's static guards were replaced with mobile patrols and escorts provided by UNMIK Police.

35. There was a discernible increase in the use of public transport by some minority communities, particularly the Ashkali and Egyptian communities. Kosovo Serbs largely relied on separate transport, either provided by the international community or through private resources. To date, no regular public transport service has been established between areas inhabited by the minority and majority ethnic communities, except for the bus that transports civil servants and a railway service from Lipljan to Serbia proper. Private transport increased between enclaves, but not in the direction of majority areas.

36. In order to increase freedom of movement for members of the Kosovo Serb community who owned vehicles with Serbian licence plates registered outside Kosovo, my Special Representative issued Administrative Direction 2002/6, which allows for the provision of Kosovo licence plates to Kosovo Serb motorists free of charge. So far, 1,231 Kosovo Serbs have applied. Outstanding impediments

remained the recognition of vehicle insurance purchased outside Kosovo in Serbia and delays in reaching an agreement on recognition of Kosovo licence plates in Serbia proper, as well as a protocol on vehicle insurance.

37. The introduction of ethnically mixed KPS patrols in some minority communities met with a positive reaction and will be increased. With the phased transfer of law and order responsibilities in certain areas from KFOR and UNMIK Police to the KPS, further confidence-building measures will be undertaken to decrease reliance on international security forces.

V. Returns and reintegration

38. Of an estimated 2,668 minority returns that took place in 2002, 35 per cent were Kosovo Serbs, 46 per cent Roma/Ashkalis/Egyptians, and 11 per cent Kosovo Albanians who returned to areas where they are a minority. There are no reliable figures of those who had left by the end of 2002, but it was estimated that, overall, there was a net inflow. Most returns took place to small villages that have traditionally been and remain mono-ethnic. The largest number of returns to mixed communities occurred in the Gnjilane municipality, where minority communities have more freedom of movement than in other municipalities and where minority community employment is higher than elsewhere. The demographic structure of the returnee population tended to be weighted towards the elderly. Few professionals returned.

39. At a donor coordination meeting on 5 November in Brussels, UNMIK introduced its 2003 Strategy for Sustainable Returns, a programme that emphasizes the need for a grass-roots approach and focuses on multisectoral projects that engage the entire community in the return effort. The strategy calls for €16.6 million in external assistance for up to 44 projects, as well as €7.5 million for a flexible fund to address spontaneous individual returns. Additional funds of €7.7 million are being sought to support displaced persons who returned during 2002 but who have not yet been assisted. On 1 November, UNMIK established the Task Force on Returns, comprising representatives of UNMIK, KFOR, the Provisional Institutions and the Office of the United Nations High Commissioner for Refugees (UNHCR), so as to ensure effective and consistent implementation of returns policies among key institutions, as well as to provide high-level support and oversight for the returns process.

40. Engagement by the Provisional Institutions at both the central and municipal levels in the returns process continued to grow, although symbolic support for returns has not been matched by actions to create conditions for returns and assist the implementation of returns projects. Minority community members continue to face the risk of ethnically motivated violence and harassment, although improvements in freedom of movement and in security conditions have contributed to enhanced opportunities for return in some areas. Returns projects have been implemented in each region of Kosovo, including Bica (Pec region), Zhupa Valley (Prizren region), Makres (Gnjilane region), Vucitrn (Mitrovica region) and Magura (Pristina region). Nevertheless, the environment for returns remains fragile and conditions for return vary widely from generally supportive to outwardly hostile in different areas of Kosovo.

41. Uncertainty about the fate of missing persons of all communities has long been an obstacle to reconciliation and remains the subject of continuing protests in both Pristina and Belgrade. Since the establishment of the Office on Missing Persons and Forensics in March 2002, progress has been made with respect to exhumations and identification of victims. The number of exhumations in 2002 increased ninefold, totalling 393 bodies and body parts, while identifications increased elevenfold. In 2002 the Office exhumed an estimated 85 per cent of previously known gravesites in Kosovo. Throughout 2002, the remains of nearly 100 people were identified through clothing exhibitions and DNA testing. At the end of November, eight bodies identified through traditional methods after a clothing exhibition were repatriated from Serbia, at the request of the families. The Office compiled a Consolidated List of Missing Persons by combining data from the International Committee of the Red Cross (ICRC) and other organizations. There are approximately 4,700 records in the Consolidated List and the process of matching data with the daily blood donors list of the International Committee on Missing Persons and ICRC tables has started.

VI. Economy

42. Kosovo's economy has improved, but long-term development and stability remain problematic. The estimated Gross Domestic Product (GDP) for 2002 was €1.99 billion, compared with €1.4 billion in 2000. This high rate of growth, a 14 per cent nominal, or 8 per cent real increase year-on-year, was largely attributable to a low post-conflict starting base, a significant inflow of foreign aid and remittances from the diaspora. Gross domestic product per capita is estimated at €1,028. Gross National Product (GNP), which includes workers' remittances from abroad and income from donor-related employment, is expected to amount to €2.648 billion this year. Gross national product per capita amounted to €1,200 in 2001, up 13 per cent from the year before, and is estimated to have grown by a further 7 per cent in 2002.

43. The Provisional Institutions and UNMIK have coordinated closely to identify the most expeditious manner to develop a legal framework for economic development. However, differences remained with regard to the interpretation of reserved and transferred powers in this area. Not all of the laws prepared by the Provisional Institutions were drafted with the proper internal and public consultations. As a result, some of the laws will likely require considerable revisions in the future.

44. Determining unemployment levels in Kosovo with an acceptable degree of precision remained difficult. The Ministry of Labour figure is just over 57 per cent. However, this does not take into account the hidden economy. Unemployment estimates for the minority communities are higher, at approximately 85 per cent.

45. The fourth donor meeting for Kosovo was held in November in Brussels, co-chaired by the World Bank and the European Commission. The Prime Minister and the Minister of Finance and Economy were included in UNMIK's delegation and took an active part in the proceedings. Donors discussed the management of a smooth and effective transfer of responsibilities to the Government and Kosovo's general macroeconomic outlook. Several participants raised the need for Kosovo to have access to loans from international financial institutions in light of declining funds from donors. Although the meeting was not a pledging conference, the need

for some €500 million in external assistance in the coming three-year period was highlighted and acknowledged by many donor representatives.

46. The foreign sector continues to play an important role in Kosovo's economy. Imports are extremely high: at €2.1 billion in 2001, they exceeded GDP and dwarfed exports of only €180 million. In 2002, exports were estimated to have risen only slightly to €201 million, while imports are expected to amount to €2.277 billion. Hence, Kosovo's projected 2002 trade deficit of €2.076 billion actually exceeds GDP by 5 per cent. The nature of Kosovo's imports, which show a marked predominance of processed goods over raw materials and equipment, highlights the lack of marketable locally manufactured products.

47. The Board of the Kosovo Trust Agency (KTA) has now met several times and progress continued towards the first wave of privatization in Kosovo. All publicly owned enterprises are currently undergoing an audit. Following a comprehensive information-gathering process, assessing the assets and liabilities of several hundred socially owned enterprises, and preparing dossiers for potential investors on the most sustainable firms, the Kosovo Trust Agency (KTA) approved the first wave of 25 firms to be sold as "flagship privatizations".

48. Kosovo's largest publicly owned enterprise, the Kosovo Electric Company (KEK), continued to experience significant problems. For the fourth winter in a row, Kosovo's inhabitants suffered daily power cuts. The continuing need for repair work to the damaged power plants following the lightning strike in July 2002 and the diminishing coal supply and a landslide at the Bardh coalmine in October complicated the situation. Progress was made in making the requisite repairs to some parts of the power plant affected by the lightning strike. KEK's finances also worsened towards the end of 2002. Funds for further repairs, spare parts and power imports are almost entirely spent, leaving KEK with very little reserve capacity should further problems arise. In an attempt to improve its finances, KEK introduced a stringent disconnection policy for non-payment of bills, which was supported by the Kosovo political leadership and UNMIK. While bill payment rates have considerably improved, this is unlikely to be enough to sustain KEK's current cost base in the medium term. On 15 January 2003, Kosovo Serbs in Caglavica (Pristina region) demonstrated against power restrictions and an unequal distribution of electricity to minority community areas, which leaves the inhabitants without electricity for up to 10 hours at a time.

49. The commercial banking sector developed well during the reporting period. In October, the one-hundredth bank branch was opened and by early December the Banking and Payments Authority (BPK) had licensed 117 commercial outlets, 4 of which operate in areas inhabited by minority communities. Two banks continue to operate in the northern part of Kosovo without BPK supervision or approval. Total deposits in the banking sector currently amount to some €403 million. This is thought to represent approximately one third of total savings held by the general public — a similar sum is thought to be held in cash outside the banking sector and some €500 million in banks outside of Kosovo. Kosovo-based commercial banks have outstanding loans of €82 million, just 20 per cent of total deposits, although these loans have developed quickly. Just 18 months ago, only €10 million had been issued in loans. Default rates remain low and the scale of loans continues to grow considerably.

VII. Property rights

50. The Housing and Property Directorate (HPD) currently has four offices in Kosovo, one in Serbia proper and one in Montenegro. It has established a legal framework based on Regulation 2000/60 and put in place rules of procedure to regularize property rights. This is a temporary framework, designed to be in use until such time that the local court system is fully developed and functioning. Under present funding arrangements, HPD is scheduled to complete its mandate by 2005, at which point further property claims are to be dealt with by the Kosovo court system. As a result of the restructuring of the Directorate following the donor conference of November 2002, the amount of funding anticipated for 2003 was secured.

51. To date, the HPD has received 23,137 claims, including 13,000 since March 2002. Of the total claims received thus far, 60 per cent have come from outside of Kosovo. Since March 2002, 1,425 claims have been resolved, 1,000 in the last two months of 2002 alone, and 1,982 abandoned properties have been placed under the administration of the HPD. Of these administered properties, 90 per cent have been temporarily reallocated for humanitarian cases. The process of loading all files on to a database is approximately 90 per cent complete. An average of 30 evictions have taken place each week. There has been a general acceptance of evictions to date, with no associated security incidents except for some threats against an HPD official. The deadline for the submission of property claims to the HPD has been extended to 1 June 2003.

VIII. Dialogue with Belgrade

52. Dialogue with the authorities of the Federal Republic of Yugoslavia and the Republic of Serbia continued, yielding several important results towards the end of 2002. The most notable was the extension of UNMIK's administration in northern Mitrovica. Another was the recruitment of Kosovo Serb judges and prosecutors to the Kosovo judiciary, which will contribute to the dismantling of the parallel court system in northern Kosovo. Two Kosovo Albanian prisoners were transferred to detention facilities in Kosovo, in line with UNMIK's agreement with the Federal Republic of Yugoslavia on the Transfer of Sentenced Prisoners signed in April 2002.

53. The dialogue remained difficult, nevertheless, owing to inherent complexities in the situation and political divisions in Belgrade reflected in issues related to Kosovo, as seen with the mixed messages in the run-up to the municipal elections. These difficulties also reflected back into the Kosovo Serb community in Kosovo. The Provisional Institutions participated in the High-Ranking Working Group in an observer capacity when it met in Pristina. Overall, Kosovo Albanian leaders remain reluctant to engage in direct talks with the authorities of the Federal Republic of Yugoslavia, even on practical issues.

IX. Kosovo Protection Corps

54. The Kosovo Protection Corps (KPC) reduced its active strength, leaving 3,048 full-time members (against a permitted strength of 3,052), with a reserve that is currently at 75 per cent of its permitted strength of 2,000. Substantial efforts have

been made in achieving organizational clarity by defining job functions, clearly defining roles and specifying tasks for members of the KPC. A disciplinary code is in place and a recruitment policy will soon be approved. The KPC has a financial system in place, however this must be strengthened to ensure complete transparency in monitoring financial operations of the organization. The rationalization of infrastructure and assets is also well under way, although there remain at least 22 sites of socially owned enterprises as well as other properties that must be transferred back to their rightful owners.

55. Within the KPC, seven units have been developed in the following areas: rapid response, search and rescue, explosive ordnance disposal, engineering capability, and 24 protection brigades. Units have all received initial training and minimal general equipment, and a number of members have participated in training provided overseas. During the last year, the KPC provided assistance in response to the earthquake in the Gnjilane region and the lightning strike at Kosovo's power supply station. Lessons learned from these two emergencies have been built into further training exercises focused on coordination and response.

56. Efforts increased to make the KPC multi-ethnic. Although there is a target minority community composition of 10 per cent, there are no appropriate guidelines for accomplishing this. So far, only one third of the required 10 per cent of minority members have been recruited, with only 1 per cent made up of Kosovo Serb members. To increase accessibility, KPC recruitment campaigns will target members of minority communities and the operations of the organization must function in all of Kosovo's official languages.

57. There are currently 57 major non-compliance cases outstanding, which is an increase of nearly 20 per cent in cases since last year. These cases are for offences against the KPC Disciplinary Code and range from criminal activity, to misuse of position, to repeated absence. The increase in the number and overall seriousness of these cases was mostly due to the arrests and prosecutions of KPC members involved in criminal activity.

58. The KPC was designed to become an inclusive civilian agency providing emergency services. While respected by many, albeit by no means all members of the Kosovo Albanian majority, the Kosovo Serb community views the KPC with scepticism. KPC leaders continued to make statements portraying themselves as the nucleus of the armed forces of a future independent Kosovo. This does not comply with the legal mandate of the KPC. In light of cumulative instances of the KPC moving away from the benchmarks in this manner, UNMIK and KFOR have redoubled efforts to deliver a strong, joint message that this is unacceptable and to exert concerted oversight and control over the KPC.

X. Support matters

59. During the period under review, UNMIK's Division of Administration continued to provide the logistical support services necessary for the Mission to fulfil its mandate. In addition, during October, support was provided on a cost reimbursement basis to the Institution-Building Pillar in the run-up to the municipal elections. In November, the Bell 212 helicopter was replaced by a fixed-wing aircraft, thereby generating cost savings for the Mission while continuing to provide the necessary support to the police. Planning is advanced, for security reasons, to

separate the Police data network from UNMIK's network. When this project is implemented, the Kosovo Police Service and UNMIK Police will share a common and secure domain while using the United Nations communications network as a carrier. Additional microwave systems have been introduced to improve communications in the Mission. The intention is to transfer all routine support costs for police stations to the Kosovo consolidated budget during 2003. UNMIK Police main and regional headquarters will continue to be supported from the UNMIK budget for the foreseeable future.

XI. Observations

60. Significant achievements were made towards the end of 2002, including Kosovo's second municipal elections and the beginning of the handover to local control of the electoral process, the extension of UNMIK's authority to northern Mitrovica and the appointment of judges and prosecutors from minority communities. These last two issues illustrate the benefits of constructive dialogue with the authorities of the Federal Republic of Yugoslavia. During a visit to Pristina last November, I encouraged the leadership of the Provisional Institutions to begin a direct dialogue with the authorities of the Federal Republic of Yugoslavia on issues of practical importance to both sides. It is hoped that Belgrade will do its part in promoting dialogue.

61. Kosovo is still a considerable way from reaching the individual benchmarks and targets set out in the benchmarks matrix. A year after the formation of the Provisional Institutions of Self-Government, much remains to be done to build effective, representative, transparent and accountable institutions with meaningful participation of minority community representatives in the civil service. Much energy has been spent challenging the authority of my Special Representative and seeking additional powers. It is important that the Kosovo leadership recognize that, in order to gain additional competencies, they first need solid accomplishments for the benefit of all communities in the areas for which they do have responsibility under the Constitutional Framework. The principle of "standards before status" stands. The Provisional Institutions, political leaders, civil servants, civil society and general population should recommit to the benchmarks and make them their own.

62. A functioning, representative Assembly is a prerequisite for progress. The decision of the Return Coalition to go back to the Assembly is welcomed. It is important that the Kosovo Serb community addresses its concerns through full participation in Kosovo's legitimate institutions. The introduction of formal monitoring of Assembly proceedings is a positive step. It is hoped that the majority Assembly members, in particular those in the Assembly Presidency, will do their part in creating a parliamentary climate that is conducive to cooperation and respect for the views of the representatives of all communities. Indeed this applies to all institutions at the central and municipal levels.

63. Fighting crime and promoting acceptance of the rule of law remain significant challenges. I am concerned at the violence among the Kosovo Albanian community as well as the persistent violence against the Kosovo Serb community. This is one area where the local institutions and their leaders can exert influence on the climate for the rule of law by condemning all violence and vocally supporting the efforts of the police and judiciary. I reminded the representatives of the Provisional

Institutions during my last visit to the region that the majority has a special responsibility to make the minority communities feel that Kosovo is their home too and that the laws apply equally to everyone. I also asked the minority community representatives to join in and work within the institutions in order to be able to gain the benefits that are being offered. As we move into 2003, it is clear that both the majority and minority communities must make renewed efforts to inject new momentum into improving inter-ethnic dialogue and promoting the reconciliation process. Courageous steps are now needed on all sides if the positive developments of 2002 are to be consolidated. In particular, I hope that, with the generous support of Member States, this year will see significant advances in returns.

64. Finally, I would like to express my gratitude to my Special Representative, Michael Steiner, and to the men and women of UNMIK for their hard work and dedication. I would also like to express my appreciation to our partners within UNMIK, the European Union and the Organization for Security and Cooperation in Europe, as well as KFOR, and to the organizations, agencies, contributors and donors for their substantial support in implementing Security Council resolution 1244 (1999).

Annex

Goals and benchmarks of the United Nations Interim Administration Mission in Kosovo

UNMIK	Goals	General prerequisites	Benchmarks	Action by local entities
Functioning democratic institutions[a]	. Democratic governance . Revenue collection and efficient delivery of public services . Minority political participation and access to public services and public employment consolidated . Full implementation of undertakings in government coalition agreement (28 Feb) . PISG authority throughout Kosovo	FULL COMPLIANCE WITH AND IMPLEMENTATION OF RESOLUTION 1244 (1999) AND THE CONSTITUTIONAL FRAMEWORK MULTI-ETHNICITY, TOLERANCE, SECURITY AND FAIRNESS UNDER NORMAL CONDITIONS, WITHOUT SPECIAL MEASURES	. Effective, representative and functioning institutions of government authority in all Kosovo . Promotion of civil society structures, human rights and full participation by women . Lead role by PISG in policy-setting . Transparency in the allocation of resources . Meaningful participation by minority civil servants in government . Responsible and professional media	. Accountability through focus on delivery of public services . Proportionate minority representation in government . PISG to work in both official languages . Align and develop legislation to EU and international standards . Participation by women in government
Rule of law (Police/Judiciary)	. Organized crime networks disrupted, financial crime checked, and end of extremist violence . Public respect for police and judiciary . Impartiality of judges and KPS, prosecution of all suspected criminals, and fair trial guaranteed to everyone . Sufficient minority representation		. Extremism not tolerated by mainstream . International judges and police enabled to take supportive function . Increased reliability of and prosecution of crime by Kosovo judiciary . Customs services and KPS participate in anti-organized crime strategy . KPS recognized as reliable partner internationally	. Sustained effort by PISG to promote values of rule of law . Holders of public office to abstain from extremist public statements . PISG budget support to promote higher education and entrance examinations in legal field
Freedom of movement	. All communities can circulate freely throughout Kosovo, including city centres, and use their language		. Unrestricted movement by minorities without reliance on military or police	. Policy and sustained action by PISG to promote FOM publicly . Unprompted condemnation by holders of public office of obstruction and violence
Returns and reintegration	. All Kosovo inhabitants have their right to remain, right to property and right to return respected throughout Kosovo		. Conditions for safe and sustainable returns and reintegration created . All IDPs and refugees to have necessary information for decisions on returns . Returns to urban areas to have started . Adequate allocation of budget resources by PISG for returns and reintegration	. Active advocacy by political and community leaders for returns and reintegration, hosting of go-and-see visits . Key Kosovo Albanian leaders to have participated in go-and-inform visits where IDPs live . Budget allocation by PISG for returns and reintegration
Economy	. Sound institutional and legal basis for a market economy . Balanced budget . Privatization of socially owned assets		. Minimum legal and regulatory framework to secure investment . Improved tax and revenue collection . Progress on privatization	. Support to establishment of solid economic framework . Active public support for privatization by holders of public office
Property rights	. All property, including residential property, land, enterprises and other socially owned assets, will have a clear and rightful owner		. Significant progress in repossession of properties	. Compliance and support of the Housing and Property Directorate adjudications . PISG and municipal support for evictions . Kosovo budget contribution to HPD
Dialogue with Belgrade	. Normal relations with Belgrade, and eventually with other neighbouring areas		. Practical issues addressed through direct contacts . Problems solved through dialogue and correspondence . Business relations restarted	. PISG participation in High-Ranking Working Group . Reciprocity in PISG visiting Belgrade and welcoming visitors to Pristina
Kosovo Protection Corps	. Contingent reduced to numbers commensurate with its mandate . Minority participation		. Appropriately reduced contingent . Unqualified compliance with KPC mandate . Relations established with all communities and proportionate minority participation	. Active endorsement by public office holders of reduced KPC numbers and participation of minorities

[a] PISG = Permanent Institutions of Self-Government; KPS = Kosovo Police Service; IDPs = internally displaced persons; KPC = Kosovo Protection Corps; EU = European Union; HPD = Housing and Property Directorate.

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Letter dated 27 January 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Sierra Leone to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit herewith the text of an address delivered by the Commander-in-Chief, Republic of Sierra Leone Armed Forces (RSLAF), His Excellency President Ahmad Tejan Kabbah, to members of the RSLAF and other security agencies, at this year's celebration of Myohaung Day, 24 January 2003 (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Allieu Ibrahim **Kanu**
Chargé d'affaires
Deputy Permanent Representative

03-22989 (E) 030203

Annex to the letter dated 27 January 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Sierra Leone to the United Nations addressed to the President of the Security Council

Address by President Ahmad Tejan Kabbah, Commander-in-Chief, Republic of Sierra Leone Armed Forces, in commemoration of Myohaung Day

Friday, 24 January 2003

As your Commander-in-Chief, it is with great pleasure that I am here to attend this year's Myohaung Day celebrations, where we remember the sacrifice and bravery of Sierra Leoneans who served with the Royal West African Frontier Force during the Second World War. On this anniversary of the gallantry shown at Myohaung in 1944, I join you too in remembering the sacrifice of our soldiers, policemen, ECOMOG, the CDF, UNAMSIL, IMATT and members of other security agencies, who have throughout our history, fought and worked to maintain and preserve public freedom, democracy and national sovereignty.

I believe it is particularly relevant for us to remember the contribution of our forefathers at a time when after so many years of turmoil, the people of our nation are now in a position to enjoy the fruits of peace. Of course, such a peace does not come without responsibility, and it is you in the RSLAF, together with those of the Police, Prison Service and other security agencies that the main burden of this responsibility must fall.

You will no doubt be aware of the recent incidents involving persons who seem to be bent on returning the Nation to the horrors of the past, and who seek to undo the efforts and sacrifices of those we now remember. It is only right therefore, that on this auspicious occasion I am able to recognize the contribution made by members of the Police, RSLAF, UNAMSIL, IMATT and the other security services whose efforts over the past days and months have continued to ensure that such evil men remain unable to disrupt our hard-won peace. Your country owes you a debt as profound as that which we owe the soldiers of yester years who served with such distinction at Myohaung.

It is in recognition of your responsibility to the Nation for the preservation of our borders and the peace and security of our people that so much has been invested in your development. The re-equipment progamme that has recently been completed sees the RSLAF with a standard of weapons, uniform, vehicles and equipment that is far more capable than that which we have recently known. These, together with huge improvements in administration and training, have ensured that the RSLAF is more highly respected, more capable, better paid and administered than in recent memory.

Your deployment during last year to secure the borders and territorial waters of our country at a time of increasing regional uncertainty is a testament, not only to the improved professional capability of the RSLAF, but also the pride, commitment and willingness shown by our soldiers and families in accepting the responsibility placed upon you by the people of this Nation. As your Commander-in-Chief, I salute you and thank you for your considerable efforts thus far. I only ask that you continue to display the qualities of service and leadership that our people and I are coming to expect from you.

While I know of the considerable improvements that have been made in recent months, I am fully aware of the huge amount of work that still remains. I am particularly concerned about the appalling state of our infrastructure, including barracks, and the resulting living conditions under which many of you are required to live and work. While Sierra Leone remains a country with huge financial constraints, I will be taking a personal interest in your welfare as Commander-in-Chief to ensure that whatever can be done is done with the resources that are available. Many of you will be aware of the programme that has been introduced by the Ministry of Defence, aimed at building and improving your living and working conditions.

This programme, which has been initiated at the highest level, is known as OPERATION PEBU. OPERATION PEBU has my fullest support, as do similar measures that are planned within the Police and other security services. I am therefore happy to report to you that substantial work has already started. As an example, engineers are already working to refurbish Teko Barracks in Makeni, Moa Barracks in Daru, and Wilberforce and Juba Barracks in Freetown. I am also happy to note that a new ward in the Military Hospital has been recently opened and work started on a new Maternity facility. The first new Married Quarters for fifteen years have been completed

and handed over at Juba in the past few days. Our engineers will also begin work next week in Kailahun on a brand new site, with further areas identified for future development across the country. As such work continues, I believe the resulting improvement in stability and infrastructure will allow the RSLAF to develop further, growing to its full potential while allowing substantial enhancement in family living and working conditions.

I know that the Ministry of Defence is working closely with other Ministries and Government agencies to provide the much-needed resources that will be required by OPERATIONS PEBU. They, and I, are fully aware of the importance of this initiative to our soldiers and their families, and therefore the Nation.

Comparable improvements have also taken place in the Sierra Leone Police Force. Police Officers in the various ranks have received high quality training both locally and internationally. Renovation work have been carried out at the Police Training School at Hastings, the Kissy Police Barracks and the Makeni Barracks.

Police stations have also been renovated or new ones built countrywide, including Calaba Town, Tombo, Tankoro, Moyamba, Masiaka, Gbalamuya, Mongere, Mattru Jong, Kabala and Bumbuna. This has facilitated the re-establishment of police presence and the enhancement of law and order in all the Districts in the country. We have also provided modern communications systems for the Police Force as well as vehicles, motor-cycles and other transport facilities for every division within the Force. Significantly, the new Marine Unit in the Sierra Leone Police has been provided with patrol boats, thus enabling them to patrol our inshore waters. All personnel of the Sierra Leone Police are now supplied with uniforms.

As I have remarked in the case of the RSLAF, improvements in the living and other conditions of service of the Sierra Leone Police will continue to be pursued by my Government until every member of the Force takes home a decent enough salary and provided with good working and other conditions necessary for the attainment of the highest standard of their operational effectiveness.

To this end, programmes are being implemented or developed to address some of the key issues central to the welfare of police personnel and their families, as well as the Prisons Service and other security agencies.

It is matter of common knowledge that when I assumed office as President in 1996, the security situation in the country was extremely precarious. The war was raging relentlessly with disastrous consequences to the entire country. I was determined to fulfill my election pledge of ending that senseless war and restoring peace and normalcy back to the country. For that reason, we exerted all our efforts in that direction, and thank God, peace has at last come. The duty of all Sierra Leoneans now is to do everything to sustain that peace so that we can concentrate on rehabilitating our battered country and embark on meaningful development.

The international community has always supported us in every respect in this effort. It is till investing a lot in our peace process and is prepared to continue to assist us provided we continue to behave in a manner that will convince the international community that we deserve its continued assistance.

What we need above all now is to sustain that peace and security. I would like to emphasize that without peace and security we cannot create wealth and prosperity for our Nation. Without peace and security, there can be no development. Thus we need peace and security to make our country a prosperous nation. We need peace and security to be able to educate our children. We need peace and security to be able to develop our social and educational infrastructure. We need peace and security to be able to achieve any form of development. With wealth and development there will be plenty for all.

And let me assure you that my Government will always strive to provide adequate resources within its means to meet the needs of those of you who maintain the security that guarantees the creation of wealth and prosperity.

I wish to refer briefly to a few other relevant matters. I am aware of a standing regulation in the military which prohibits individual members of the Forces from making direct personal approaches to their Commander-in-Chief. This is a regulation which certainly has its usefulness having regard to the

nature of a disciplined force. But I have stated openly before, that without prejudice to the existence of that regulation, I as your Commander-in-Chief, may be prepared to make exceptions in certain circumstances when necessary. Where for instance, a reasonable number of officers or men wish to discuss with me matters pertaining to their terms and conditions of service, or other pertinent matters, they should be able through their Commander, to request an audience with me, and I will be glad to receive them. I have expressed this position before.

I am taking this opportunity to repeat it for the benefit of the new members of the Forces who may not be aware that they may, in appropriate cases, be able to communicate with me directly by employing this method.

It is my view that there is a lot of virtue in free and frank communication at all levels in an organization such as the Forces, as it will prevent misconceptions and protect the Forces from being misinformed and manipulated by ill-motivated individuals. This channel of communication with me should be used whenever necessary. It is available to all Forces, Police and Prison Service.

I am further informed that some malicious misinformation is doing the rounds to the effect that the Special Court for Sierra Leone, which has been established here, is untended to prosecute an unlimited number of persons who had any involvement in the rebel war. This is utterly false. The officers of this Court and others have been at pains to explain to the whole nation that the Court will have jurisdiction to try only those persons "who bear the greatest responsibility" for the atrocities that were committed. I have myself stated on many occasions that the Court will concern itself with only that small number of persons who could properly be described as the ringleaders. There will be no prosecution whatsoever for the rank and file and those whom I have often referred to as "passengers" or "foot soldiers" in the organizations concerned.

It is therefore mischievous for any person to intend to instill fear in the minds of any group of people to the effect that the Special Court has been established to try all and sundry. The fact of the matter is that as a government we have decided and embarked on a path to reconciliation. The entire nation has accepted reconciliation as an essential element in the peace

building process. That is the way we are proceeding, except in the few cases which may qualify for trial.

My attention has also been drawn to a situation which prevails in the Prison Service. It is pertinent that I allude to that situation here, as it has security implications. I am informed that the procedure for enforcing discipline and reacting to allegations of misconduct of Prison Officers is extremely clumsy and cumbersome, and that by the application of the established Civil Service rules and regulations to such matters, it has been difficult to eradicate some glaring malpractice in the Prison Service. This is a security issue, as it has the potential of creating untold problems and suffering for the entire citizenry.

It is my view that prompt and effective disciplinary procedure should be put in place within the Prison Service independently of the Civil Service, to deal with cases of the misconduct of Prison Officers in their relations and dealings with prison inmates.

I direct that the Minister of Internal Affairs and the Director of Prisons in consultation with the Attorney-General and Minister of Justice should, with immediate effect, devise regulations for that purpose in line with what now prevails in the Police Force.

In summary, I would like once again to register my thanks and appreciation for the work of the RSLAF, Police, UNAMSIL, IMMAT and other security agencies, not only for what you have achieved in recent days and months to ensure that the peace we have all nurtured so carefully remains and grows within the country, but also for what you have still to achieve. I would not wish to understate the challenges which we have at hand. However, I have no doubt that the country will be able to continue to depend on your commitment and professionalism over the coming months and years, in the same way that past generations were able to live under the guarantee of peace provided by the gallant sacrifice of our forefathers during actions such as those in Myohaung.

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Letter dated 28 January 2003 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General

I would be grateful if the text of this letter and its annex could be circulated as an official document of the Security Council.

(*Signed*) Adamantios Th **Vassilakis**
Permanent Representative of Greece to the United Nations

03-23175 (E) 300103

Annex to the letter dated 28 January 2003 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General

Conclusions of the General Affairs Council on Iraq, Brussels, 27 January 2003

The Council adopted the following conclusions on Iraq:

"The Council, deeply concerned about the situation in Iraq, reaffirms that its goal remains the effective and complete disarmament of Iraq's weapons of mass destruction. The Council fully supports the efforts of the United Nations to ensure full and immediate compliance by Iraq with all relevant resolutions of the Security Council, in particular with Security Council resolution 1441 (2002) of 8 November 2002. The resolution gives an unambiguous message that the Iraqi Government has a final opportunity to resolve the crisis peacefully.

The Council therefore urges the Iraqi authorities to engage in full and active cooperation with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). The Iraqi authorities must, as an imperative, provide the inspectors, without delay, with all additional and complete information on questions raised by the international community. The Council expresses its appreciation for the work accomplished by the inspectors so far and reiterates its confidence and full support for Dr. Blix and Dr. ElBaradei to complete their mission in accordance with resolution 1441 (2002). It welcomes their intention to continue and intensify their operations.

The Council recalls that it stands ready to engage all necessary efforts to answer the needs of UNMOVIC and IAEA in personnel and practical means.

The Council underlines the fundamental importance of preventing the proliferation of weapons of mass destruction in accordance with the relevant international instruments. The Security Council has a key role to play in these endeavours.

The Council reaffirms the role of the Security Council in the implementation of resolution 1441 (2002). The responsibility of the Security Council in maintaining international peace and security must be respected".

United Nations S/2003/116

Security Council

Distr.: General
29 January 2003

Original: English

Draft resolution

The Security Council,

Reaffirming all its previous resolutions on Western Sahara, in particular resolution 1429 (2002) of 30 July 2002,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 March 2003 in order to give the parties time to consider the proposal presented to them by the Personal Envoy of the Secretary-General;

2. *Requests* the Secretary-General to provide a report on the situation by 17 March 2003;

3. *Decides* to remain seized of the matter.

03-23140 (E) 300103

United Nations S/2003/117

Security Council

Distr.: General
30 January 2003

Original: English

Letter dated 30 January 2003 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

As we have been deprived of the opportunity to speak before the Security Council on 30 January 2003, I am compelled to write to you in order to bring the views of my country on the situation in Abkhazia, Georgia, to the attention of the Council.

In the past decade, mostly failures in the peace process have accounted for bringing to life the truism found in almost all Security Council resolutions — namely, the expression of concern over the lack of progress in political negotiations. That truism is a product of reconciliation of the state of mind with the existing state of affairs. But could all those involved in the process of the conflict settlement acquiesce to the present state of affairs? Could we use the appellation "peace process" in relation to the process in Abkhazia, Georgia, when a key element of it — political negotiations — is virtually missing?

With the paper on distribution of constitutional competencies between Tbilisi and Sokhumi unanimously supported by the Security Council, the negotiations on the status of Abkhazia has literally acquired meaning and value. In fact, the Boden paper has provided a principal framework for the United Nations-led peace process. From the very moment the paper was released, my country has expressed its readiness to engage in any negotiations on the basis of the principles set out in it — territorial integrity of Georgia, wide autonomy for Abkhazia and international guarantees, in particular those for unconditional and dignified return of the internally displaced persons. I would like to reiterate Georgia's unwavering commitment to these principles as they offer, to quote the report of the Secretary-General (S/2003/39) "enough room to explore how the legitimate interest of both sides could be accommodated in a final settlement".

It would seem that we have been given a unique window of opportunity, but again, for some reason it is being kept beyond our reach. In order to shed some light on why this happens, I have to dwell on the challenges posed by the situation in Abkhazia, Georgia, to set them as a benchmark against which the responses of those involved in the peace process are to be measured.

Yearlong efforts of the Special Representative of the Secretary-General backed by the authority of the Security Council have been effectively blocked by the defiance of the Abkhaz side, which appears to fear the Boden paper like a doomsday. In statements made at all levels, its representatives maintain that

03-23230 (E) 310103

Abkhazia is an independent state, whereas the Georgians rooted out from the region through ethnic cleansing and genocide are "merely aggressors". According to this attitude, even raising the issue of the return of Georgians to their houses in Abkhazia is unthinkable.

As witnessed by recent events in the Gali region, the Abkhaz side enjoys unfettered discretion in carrying out "punitive operations" against the Georgian population in the presence and within the area of responsibility of the peacekeepers from the Commonwealth of Independent States. How long are we prepared to allow this campaign unleashed against the Georgians to go unabated? How long will the international community tolerate when people being reduced to second-class citizens and subjected to harassment and threats to their lives merely because they are Georgians driven by the desire to return to their homes?

It seems that the Abkhaz side has never satisfied its zeal of ethnic cleansing and genocide of Georgians and has now resorted to a policy of deliberately inflicting on the Georgian children conditions of life calculated to bring about the destruction of their identity. Otherwise, one could not offer any reasonable explanation why the Georgian language is totally banned as a means of instruction. It would be very difficult to name any other place in the world where studying in the native language is tantamount to a crime. Neither does this policy conform to the principle of "protection of the interests of multiethnic population of Abkhazia" espoused by the Russian Federation as a facilitator. Or should we accept that it applies to all except Georgians?

All these events could not be detached from their political context, which better than anything else reveals the real driving force behind the separatists' actions. First and foremost, it concerns the issue of associated membership of the Russian Federation that has become a semi-permanent feature of the political vocabulary of the separatist authorities. The new head of self-styled government of Abkhazia, reverently referred to as the "Prime Minister of Abkhazia" in the official statements of the Ministry of Foreign Affairs of the Russian Federation as well as other separatist leaders have declared many times that they will relentlessly pursue the goal of so-called associated membership of the Russian Federation.

What are the responses of the Russian Federation to these challenges? Surprisingly, just contrary to what one should expect from the "facilitator" and "impartial mediator" of the conflict.

As has been stated more than once, the Russian Federation maintains unilaterally imposed non-visa regimes with the separatist regions of Abkhazia and the Tskhinvali region of Georgia against all basic precepts of international law and ethics of inter-State relations.

Russia illegally maintains a military base in Gudauta, Abkhazia, which operates without the consent of Georgia and in contravention of the international commitments undertaken by the Russian Federation during the Istanbul Summit to have it dismantled in 2001. The only explanation given is that the Abkhazs oppose the dismantling of the base and the withdrawal of its military equipment. This logic would dictate that any sizeable group of people could effectively block or seize control of the military, nuclear installations and armaments among them, provided they are as insistent as the Abkhazs.

Russia continues and has even accelerated the granting of citizenship en masse to the population of Abkhazia. Russian passports can now be obtained almost everywhere throughout the territory of Abkhazia. All separatist leaders of Abkhazia, as they frequently state, are citizens of the Russian Federation. It would be overdone mendacity to believe that this unprecedented action purports to give the Abkhazs an opportunity to spend their holidays on the Riviera or in Palm Beach. It pursues this objective to have justification for exerting effective control over Abkhazia under the pretext of protection of the Russian citizens from the "barbaric" Georgians. I assume there is no need to assess the detrimental effect of this action on the process of the conflict settlement.

Moreover, frequent visits of high-level Russian officials aimed at fostering economic relations with the separatists have become a normal pattern of life. If earlier these officials hesitantly called their trips "private", they are now openly speaking about Georgia's disintegration and the incorporation of Abkhazia into Russia. Remarkably, the same views have been openly propagated by ever changing commanders-in-chief of the Russian peacekeeping forces apparently on an assumption that these views best fit into their duties as "impartial" peacekeepers.

On this premise, one might ponder over the reasons for the lasting "love" of the Russian peacekeepers by the Abkhazs while the Georgians feel exactly the opposite. As is known, the slightest mention of the possibility of withdrawal of the Russian peacekeepers drives the Abkhaz authorities into hysteria. I believe the source of this affectionate *l'adultere* lies in the "objective and impartial" performance by the Russian peacekeeping forces of their mandate. As a consequence of this "objectivity and impartiality", since the ceasefire came into force, the death toll of Georgian civilians, many of them returnees, killed in the zone of responsibility of the Russian peacekeeping forces has risen to 2,000. These facts are self-explanatory.

But coming back to economic aspects of the developments in Abkhazia, one has to note Russia's intensified economic and financial activities. The rhetoric about the necessity of investing in Abkhazia is gradually becoming reality: Russian entrepreneurs and entities are engaged in acquisition of land, estates and natural resources. As a last step, the railway between Sochi, Russian Federation, and Sokhumi, Georgia, closed since 1992, was again put into operation, thus flagrantly violating the decision of the Commonwealth of Independent States Heads of States, including Russia, on 19 January 1996. Furthermore, this action was carried out notwithstanding the position of Georgia, about which Russia's political establishment is well informed. It is more difficult to reconcile the action with the cooperative and constructive spirit of the recent meeting between President Shevardnadze and President Putin, where they affirmed the principle — opening of the railway should be synchronized with the return of refugees and internally displaced persons to Abkhazia.

Why does this happen? Has Russia withdrawn from the Commonwealth of Independent States? If not, then why are the documents signed by the former and the principles affirmed by the current President of Russia disavowed by Russia itself? Is the disregard of international commitments and obligations endemic in Russia's behaviour? Or maybe the basic principle of inter-State relations — execution of treaties and agreements in good faith has become obsolete and redundant?

Regrettably, once again I have to draw your attention to the use of double standards — while respect for the territorial integrity of Georgia is being fervently assured in official statements, in reality Russia continues to dismember Georgia by taking away its historical region — Abkhazia. Therefore, no reason to take offence when these actions are qualified as they warrant to be qualified — annexation of part of the territory of a small and friendly neighbouring State. These actions do not in any manner befit Russia's greatness and grace, which we all used to respect.

My country is grateful to the United Nations in leading and advancing peace process in Abkhazia, Georgia. Unlike the Commonwealth of Independent States, which has drowned in its own futility, the United Nations does enjoy high degree of respect and confidence in Georgia. This perception has been reinforced by the tireless efforts of the Special Representative of the Secretary-General, Mrs. Heidi Tagliavini, aimed at reviving the process of conflict settlement.

It was believed in my country that the Security Council was up to its high responsibility in maintaining international peace and security, well capable of effectively exercising its powers for bringing long-awaited peace to Abkhazia. Now there is a risk that these beliefs could be changing.

The framework of the peacekeeping and conflict settlement in Abkhazia, Georgia, regrettably presents justification for doing so. I refer to a relatively new and controversial practice, through which the mandate of the United Nations Observer Mission in Georgia (UNOMIG) is linked with the mandate of the Commonwealth of Independent States peacekeeping forces. It has created a unique situation where the Security Council occasionally exerts pressure upon Georgia to prolong the mandate of the Commonwealth of Independent States peacekeeping forces, to which it once refused to grant the authorization of the United Nations peacekeeping operation. Moreover, the mandate of UNOMIG is almost limited to monitoring the ceasefire agreement, the implementation of which is ensured by the same Commonwealth of Independent States peacekeeping forces.

The operational capabilities of UNOMIG, which are primarily of merely reporting on the events in the zone of conflict, cast doubt on the leading role of the United Nations in the peace process. In this respect, the recent failure of the United Nations representatives to secure agreement of the separatist authorities on the access for Georgian investigators to the United Nations helicopter's crash site is also noteworthy.

Just two weeks ago, the Secretary of State of the United States of America, Mr. Colin Powell, appealed to the Security Council not to shrink away from the responsibility of taking resolute actions. The authority of this appeal is even more undeniable with regard to the conflict settlement in Abkhazia, Georgia. The current status quo is completely unacceptable and untenable and decisive actions are needed to bring the peace process on track. Even more, in the circumstances of continued obstruction of the peace process by the Abkhaz side, it would be appropriate to consider the possibility of resorting to measures under Chapter VII.

It is high time for the Security Council to take genuine lead of the peace process and not allow itself to be led by considerations rooted in residues of the cold-war era division. It goes to launching effective United Nations peacekeeping operations parallel to the meaningful political negotiations on the basis of the paper

on distribution of constitutional competencies and to ensure return of displaced persons to their places of residence in Abkhazia, Georgia.

Only then would it be possible to uphold the principles of sovereignty and territorial integrity and the right of people to live in peace, reaffirm faith in fundamental human rights, in the dignity and worth of human person and not to be exposed to everyday harassment, fear and execution. Above all these are the objectives that brought the United Nations into existence.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Revaz **Adamia**
Ambassador
Permanent Representative

United Nations A/57/720–S/2003/118

General Assembly
Security Council

Distr.: General
30 January 2003
English
Original: Spanish

General Assembly
Fifty-seventh session
Agenda item 66 (v)
General and complete disarmament: the illicit trade in small arms and light weapons in all its aspects

Security Council
Fifty-eighth year

Letter dated 30 January 2003 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the text of the communiqué issued on 20 January 2003 by the Ministry of Foreign Affairs of the Republic of Nicaragua (see annex) concerning the report of the General Secretariat of the Organization of American States on the diversion of Nicaraguan arms to the United Self-Defence Forces of Colombia.

In this respect, and on behalf of my Government, I request you to arrange for the text of this letter and its annex to be circulated as a document of the General Assembly under agenda item 66 (v), and of the Security Council.

(*Signed*) Eduardo J. **Sevilla Somoza**
Ambassador
Permanent Representative

03-23211 (E) 030203 030293

Annex to the letter dated 30 January 2003 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General

Communiqué issued on 20 January 2003 by the Ministry of Foreign Affairs concerning the report of the General Secretariat of the Organization of American States on the diversion of Nicaraguan arms to the United Self-Defence Forces of Colombia

1. The Government of Nicaragua thanks the Secretary General of the Organization of American States (OAS), César Gaviria Trujillo, and the Assistant Secretary General, Ambassador Luigi R. Einaudi, for the report submitted to the three countries, and extends special thanks to the team consisting of Ambassador Morris Busby, Christopher Hernández, Michael Sullivan and Jimena Duque.

2. The Government of Nicaragua particularly appreciates the spirit of the report, since the investigation requested from the Secretary General of OAS by the Governments of Colombia, Nicaragua and Panama, on the initiative of the President of Nicaragua, Mr. Enrique Bolaños Geyer, is helping to strengthen the foundations for the maintenance of peace and security in the region.

3. The report shows that the operation was planned outside Nicaragua, that both our country, and Panama and Colombia, were the victims of an activity by organized crime, and that this should motivate us to redouble our efforts with the international community to combat this phenomenon.

4. It is also indicated in the report, referring to Nicaragua, that "the diversion was made possible by negligent actions" and that "there are significant weaknesses in Nicaraguan law". We will work in cooperation with the States members of OAS to harmonize and standardize mechanisms for the effective implementation of the Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA).

5. We are requesting cooperation and technical assistance from OAS in order to develop model national legislation which would incorporate the monitoring mechanisms established by the Convention and would serve as a basis for other States of the inter-American system.

6. At the beginning of the presidential term of President Bolaños, and in view of this inherited situation, we undertook the formulation of a draft law on monitoring, manufacture and transfers of weapons that would clearly establish the responsibilities of each of the State institutions, as well as the appropriate mechanisms. In December 2002, at the thirty-second session of the Inter-American Drug Abuse Control Commission (CICAD-OAS), the Government of Nicaragua put forward an initiative for the formulation of regulations governing the brokerage of arms sales, which was unanimously approved by OAS.

7. During the 1990s, under the Presidency of Ms. Violeta Barrios de Chamorro, Nicaragua spearheaded an intensive and unique disarmament process, and promoted a new model of democratic security at the regional level. Nicaragua is the Latin American country which has voluntarily destroyed the largest quantities of weapons, and it has no landmines in its arsenal. This has made it possible to initiate an exemplary process of modernization and professionalization of the Nicaraguan

army. We believe that this process should continue to be intensified at both national and regional levels.

8. It is important to announce, in this respect, that Nicaragua will continue to assume effective leadership in the area of arms limitation in the region, within the framework of a reasonable balance of forces, and for that reason we are carrying out phased initiatives and projects on this matter within the Central American Security Commission.

9. Nicaragua is willing to have an immediate visual inspection of the arms and ammunition inventory of the Nicaraguan national police and army, in the same spirit of openness and transparency which, since the 1990s, has made possible the provision of inventories to the United Nations, OAS and the Central American Integration System (SICA). We will promote mechanisms for full monitoring and verification at the regional level of the arms and ammunition inventories of countries and their transfers. The Ministries of the Interior and of Defence are being requested to provide a plan for a mechanism for the periodic monitoring and verification of weapons inventories.

10. The President of the Republic has designated an inter-agency investigatory commission, consisting of the Ministries of Foreign Affairs, the Interior and Defence and the Attorney-General's Office, to consider and follow up on the OAS recommendations included in the report of the General Secretariat, and we will contact the other countries mentioned in the report (Colombia, Guatemala, Israel, Mexico and Panama) so that, within the framework of mutual cooperation in the face of international organized crime, we will seek formulas to enable us to combat transnational crime.

Managua, 20 January 2003

United Nations A/ES-10/213–S/2003/119

General Assembly
Security Council

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30 January 2003

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-eighth year

Identical letters dated 30 January 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, continues to commit war crimes, State terrorism and systematic human rights violations against the Palestinian people under its occupation. In waging this vicious military campaign, the Israeli occupying forces continue to kill and wound civilians, destroy properties and impose and inflict collective punishments on the Palestinian people on a daily basis.

In the two days since my last letter and in the wake of the recent Israeli election in which Mr. Ariel Sharon maintained his leadership of the Israeli government, the Israeli occupying forces have killed several Palestinians, including children, and have continued to destroy Palestinian properties on a wide scale. On Tuesday, 28 January, the occupying forces killed four Palestinians in a raid on the city of Jenin, and wounded one Palestinian journalist, in addition to the killing of three Palestinians in Gaza earlier in the pre-dawn hours of that day. Yesterday, the Israeli occupying forces committed another such willful killing, when they shot dead an 18 year-old Palestinian boy, Nahed Abu Dahrouj, who had driven his flock near Israeli bulldozers that were destroying Palestinian crops in the area in Gaza.

Moreover, today, in the city of Al-Khalil, the Israeli occupying forces raided numerous Palestinian homes and offices and destroyed an entire vegetable market by bulldozing an estimated 100 stands in the city's open-air market. This destructive act of collective punishment is a blatant violation of international humanitarian law, in particular the Fourth Geneva Convention, which is applicable to all of the Occupied Palestinian Territory, including East Jerusalem. Further, this action has been committed as part of the overall Israeli policy aiming to destroy all means of livelihood for the Palestinian people; a policy that has caused the virtual collapse of the Palestinian economy. The tragic status of the socio-economic situation of the Palestinian people is one that has been widely document by the United Nations as well as by various international humanitarian organizations. The dire humanitarian crisis being faced by the Palestinian people can only worsen with the continuing perpetration of such Israeli crimes and violations. At the same time, the crippling

03-23182 (E) 300103

and destructive Israeli military siege and imposition of curfews on most Palestinian cities continues unabated.

This crisis situation in the Occupied Palestinian Territory, including East Jerusalem, can only continue to deteriorate as long as Israel, the occupying Power, continues to believe that it can act against the civilian population under its occupation with impunity. As such, war crimes, State terrorism and systematic human right violations will continue to be perpetrated by the Israeli occupying forces against the Palestinian people, whose suffering and losses will only continue to deepen as they await action by the international community to bring this situation to an end. In this regard, the international community, particularly the Security Council, must take the necessary measures to compel Israel to halt its military campaign and abide by international law, international humanitarian law and the resolutions of the United Nations.

This letter is in follow-up to my previous 154 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 27 January 2003 (A/ES-10/212-S/2003/101), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, I regret to inform you that, since my last letter to you, the Israeli occupying forces have killed at least 12 Palestinians, including children, raising the total number of martyrs to 2,100 Palestinians. (The names of the martyrs that have been identified thus far are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the letter dated 30 January 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of the martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Tuesday, 28 January 2003, through Thursday, 30 January 2003)

Tuesday, 28 January 2003

1. Ehab Mohammed Salama (17 years old)
2. Sabrin Mohammed Salama (12 years old)
3. Mohammed Ibrahim Al-Atl
4. Rashad Bassam Fuad Urabi
5. Nidal Mohammed Kastoni (17 years old)
6. Mohammed Abdelfattah Ahmed Al-Tubasi
7. Yussef Saleh Al-Sa'di
8. Saeed Mohammed Maddi (16 years old)

Wednesday, 29 January 2003

1. Munir Abdelhay Bureiqa'
2. Nahed Mubarak Abu Dahrouj (18 years old)

Thursday, 30 January 2003

1. Fayez Jaber
2. Badie' Rafeh Diab Qa'qoor

* The total number of Palestinians killed by the Israeli occupying forces since 28 September 2000 is 2,100 martyrs.

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Security Council

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30 January 2003

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-eighth year

Letter dated 30 January 2003 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to draw your attention once again to the continuing deterioration of the situation in the Occupied Palestinian Territory, including Jerusalem. In this letter, I wish to raise the Committee's concern with regard to one particularly disturbing aspect of Israeli actions negatively affecting the rights of the Palestinian people, which has manifested itself of late.

The Committee has received several reports on the closing down by the Israel Defence Forces (IDF), on 15 January 2003, of Hebron University and Palestine Polytechnic University for 14 days, ostensibly as a measure aimed at fighting terrorists and suicide bombers. IDF forces raided offices and laboratories, destroyed and confiscated property and welded shut university gates and doors. The closing has reportedly been extended to six months for the Hebron University and three more weeks, with the possibility of further extension, for the Polytechnic.

The Committee views these harsh acts of collective punishment by the occupying Power as utterly unjustified and illegal, as they deprive 4,200 students at Hebron University and 2,500 students at Palestine Polytechnic University of their right to education. These arbitrary measures also adversely affect hundreds of faculty and university staff who have lost their source of income, particularly now that the Palestinian people are experiencing severe economic hardship. The closure of the two important Palestinian educational centres is bound to deepen the anger and despair of the Palestinians living under the Israeli occupation. It sends a particularly sombre message to the Palestinian youth that their way to a better future through education is as "road-blocked" as is their daily life in the towns and villages of the West Bank and the Gaza Strip. It no doubt adds to the mistrust and suspicion between the two peoples and further exacerbates the already dangerous situation on the ground.

03-23191 (E) 300103

Our Committee is appalled by these developments taking place at a time when the international community, through the Quartet, is working hard to stop the violence, resume a meaningful political dialogue between the parties and move forward to a negotiated settlement, with a view to realizing a vision of two States, Israel and Palestine, living side by side in peace and security.

On behalf of the Committee, I would like to express the hope that you would bring these urgent concerns to the attention of the international community, including the competent organs of the United Nations, and that you would use your good offices with the Government of Israel, so that the present situation could be redressed and the two universities reopened without delay.

I should be grateful if you would have this letter circulated as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Papa Louis **Fall**
Chairman
Committee on the Exercise of the Inalienable Rights
of the Palestinian People

United Nations S/2003/121

Security Council

Distr.: General
31 January 2003
English
Original: Arabic

Identical letters dated 28 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government I wish to transmit to you herewith the daily report on the activities carried out by the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq on 28 January 2003.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative

03-23294 (E) 120203 130203

Annex to the identical letters dated 28 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Activities of the IAEA and UNMOVIC inspection teams in Iraq

Inspection activities carried out on Tuesday, 28 January 2003

I. IAEA inspection team

Group I

A group of three inspectors left the Canal Hotel at 9.15 a.m. It made a radiological survey of the Sayyidiyah, Bayya' and Jihad districts in Baghdad using portable instruments to detect any proscribed radiological activity. The survey took about three hours after which the group returned to the Canal Hotel.

Group II

A group of three inspectors left the Canal Hotel in Baghdad at 9.15 a.m. and went to the Nasr State Company which belongs to the Ministry of Industry and Minerals and specializes in the chemical industries and is located in the Taji district 35 kilometres north of Baghdad. The group asked the director of the company about the number of employees, the number of scientific and engineering staff and holders of higher education diplomas and then inspected the mechanical workshops, the foundry and the iron structures. The group also made a radiological survey using portable instruments of the places that it had inspected in order to detect any proscribed radiological activity. At the end of its mission which lasted about five hours the group returned to the Canal Hotel in Baghdad.

Group III

A group of four inspectors left the Canal Hotel in Baghdad at 8.30 a.m. and went to the office of the President of Babil University 10 kilometres south of the town of Hillah. The group interviewed the assistant of the President of the University, asking him about the name of the President of the University, the number of students, the number of teachers, the number of holders of higher degrees, the number of campuses, the names of the colleges in each campus and the names of the deans of the colleges of engineering, science and education. The group then interviewed the Dean of the College of Engineering, asking him about the departments of the college, the number of teachers, the number of higher education students and the nature of the research conducted in the departments of the college. It also interviewed separately the Dean of the College of Education and the Assistant Dean of the College of Science, asking each of them the same questions. The group inspected the physics section in the College of Science and made a radiological survey using portable equipment to detect any proscribed radiological activity. It also inspected the machinery workshop and the turnery in the College of

Engineering. The group concluded its mission which lasted about two and a half hours and returned to the Canal Hotel in Baghdad.

II. UNMOVIC inspection team (missiles)

A team of four inspectors left the Canal Hotel in Baghdad at 8.30 a.m. and went to the Harith State Company which belongs to the Military Industrialization Corporation, 30 kilometres north of Baghdad. The team inspected the missile maintenance workshop and removed the stickers from five missiles and affixed new stickers to 10 missiles. The team concluded its mission and returned to the Canal Hotel in Baghdad.

III. UNMOVIC inspection team (biological)

Group I

A group of eight inspectors left the Canal Hotel at 8.45 a.m. and went to the 7 Nisan Stores belonging to the Agricultural Supplies Company located in Jarf al-Naddaf, a district of Baghdad. The inspectors asked about the substances stored and about the warehouses in which agricultural pesticides are stored, about the number of staff and whether the staff included veterinarians. The team inspected all the warehouses, verified some of the documents related to the receipt of pesticides and photographed the agricultural sprays. The mission lasted about two hours and forty-five minutes after which the group returned to the Canal Hotel.

Group II

A second group of seven inspectors left the Canal Hotel at 8.40 a.m. and arrived at the grain inspection laboratory belonging to the Grain Processing Company (Ministry of Agriculture) in the Taji district, 25 kilometres north of Baghdad. The group interviewed the experts, asking them about holders of higher education degrees, whether they had expertise in the field of toxins and whether biological contamination inspection was available. The group inspected the quality control laboratories, the warehouses, the grain inspection laboratories and the mill belonging to the Grain Processing Company on the same site. It also inspected the administrative offices of the Grain Processing Company, used chemical sensors and photographed the front of the mill building. The mission lasted about five hours after which the group returned to the Canal Hotel.

Group III

A group of four inspectors left the Canal Hotel at 9 a.m. and went to the Saddam Biotechnology Centre of Baghdad University in the Jadiriyah district of Baghdad. The group interviewed the director of the centre, asking him about the centre's activities, its affiliations, the nature of its ongoing research, and cooperation with other entities. It inspected the notices of the centre and requested the published list of research projects, inspected all the departments of the centre, ascertaining the

activities of each one and inspected the data in the computers. The mission lasted about four and a half hours, after which the group returned to the Canal Hotel.

V. UNMOVIC inspection team (chemical)

A team of 17 inspectors left the Canal Hotel at 9 a.m. and went to the Furat State Company for the Chemical Industries which belongs to the Ministry of Industry and Minerals in Babil governorate (Saddat al-Hindiyah subdistrict) 75 kilometres south of Baghdad. The team interviewed the company's liaison officer from the National Monitoring Directorate and asked about the production units, how many there were, their officials and the principal products of the company, and also asked some technical questions concerning the production of rayon and inspected the rayon factory and the workshops and production units concerned with maintenance, chlorine and hydrochloric acid. The team also asked questions about the production capacity of these units, inspected the data centre, checked computer files and took a number of samples from various locations. The mission lasted six hours after which the team returned to the Canal Hotel.

VI. Joint UNMOVIC inspection team

A team of 16 inspectors left the Canal Hotel at 8 a.m. and went to the Ukhaydir Munitions Store 70 kilometres south of Karbala where it took various samples from the warhead of a 122 mm Karrar missile. The mission lasted about five hours after which the team returned to the Canal Hotel.

United Nations S/2003/122

Security Council

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31 January 2003
English
Original: Arabic

Identical letters dated 29 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the daily report on the activities of the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq on 29 January 2003.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**

03-23288 (E) 140203 180203

Annex to the identical letters dated 29 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Report on the activities of the UNMOVIC and IAEA inspection teams in Iraq

Inspection activities on 29 January 2003

I. IAEA inspection team

(a) Group I, composed of three inspectors, left the Canal Hotel in Baghdad at 9.15 a.m. and proceeded to the sites of the Biological Studies State Company, a subsidiary of the Ministry of Industry and Metallurgy located at Andulus Square in Baghdad. The Group met with the Company's liaison officer with the National Monitoring Directorate to discuss the Company's replies to IAEA on 22 January 2003. The Group also met with the Director of the Sales Department and examined procurement files and contracts. It inspected the office of the State Phosphates Company located on the premises of the Biological Studies State Company and examined contracts related to installations in the Phosphates Company. On completion of its assignment, which lasted six hours, the Group returned to the Canal Hotel.

(b) Group II, composed of three inspectors, left the Canal Hotel in Baghdad at 9 a.m. Using hand-held devices, it took a radiometric survey in the Abu Gharib and Saddamiyat al-Falluja districts, at a tourist site belonging to the Ard al-Ahlam Company for Tourism Investments, and in the Tariq camp, located on the Baghdad-Falluja highway. On completing its assignment, which had lasted four hours, the Group returned to the Canal Hotel.

(c) Group III, composed of four inspectors, left the Canal Hotel in Baghdad at 8.30 a.m. and proceeded to Kufah University and questioned the University President about the date he assumed the post, the name of his predecessor, the total number of students, the numbers of students in advanced programmes, the number of professors, the University's budget and sources of financing, the number of colleges and their replacement. The Group met the Deans of the Colleges of Education, Science and Engineering and asked them about the size of the student body, the number of students in advanced programmes, the number of departments, the names of department heads, staff research projects and the work of the departments. The Group inspected the Physics Department of Qa'id College of Education for Girls and the College of Science and verified radioactive sources there. It also inspected the College of Medicine and the laboratories of the Mechanical Engineering Department of the Engineering College. Lastly, it took radiometric surveys in the laboratories of the Education, Science and Engineering Colleges. On completing its assignment, which had lasted 4 1/2 hours, the Group returned to the Canal Hotel.

II. UNMOVIC joint inspection team

The team, composed of 10 inspectors, left the Canal Hotel in Baghdad at 8.40 a.m. and proceeded to the Falluja Munitions Depot belonging to the Ministry of Defence. It questioned the commander of the depot on the date of its construction and the types of munitions stored there, inspected certain storage areas and used chemical contamination detection devices. On completing its assignment, which had lasted four hours, the team returned to the Canal Hotel.

III. UNMOVIC biological inspection team

(a) Group I, composed of six inspectors, left the Canal Hotel in Baghdad at 8.15 a.m. and proceeded to the Ibn Agricultural Research Centre, located in the Abu Gharib district. It questioned a scientist there on plant diseases, the nature of the Centre's work, potato sterilization methods and whether work is being done on wheat diseases. After inspecting the intensive potato reproduction laboratory and the quality-control laboratory, the Group headed for the poultry-breeding plant located in the Abu Gharib district affiliated with the above-mentioned Centre. It questioned the plant manager about the nature of its operations, the types of poultry bred and the capacity of the incubators and the fields. It then inspected the animal physiology experimental laboratory affiliated with the Centre located in the Shu'lah district. On completing its assignment, which had lasted 2 1/2 hours, the Group returned to the Canal Hotel.

(b) Group II, composed of eight inspectors, left the Canal Hotel in Baghdad and proceeded to the Chemical Engineering Department of the Technological University. The Group asked the experts about the Department's sources of funding and whether it had microbiology experts on staff. It then inspected the laboratories and warehouses and took samples from a dehydration device. On completing its assignment, which had lasted 2 1/2 hours, the Group returned to the Canal Hotel.

(c) Group III, composed of eight inspectors, left the Canal Hotel at 8.50 a.m. and proceeded to the Dabbash Warehouses, belonging to the State Company for Marketing Medicines and Medical Appliances (Ministry of Health). The Group questioned the Manager about the nature of the operations of the warehouse and whether they contained culture media, asked the head of the Maintenance Department about the nature of the work carried out in the Department's workshop and asked the head of the Warehouse Customs Department about the kind of work it carried out and how shipments arrived from Turaybil. The Group inspected the administrative and accounting offices and computer files, examined the computers and downloaded information on warehouse operations, and inspected the Customs Services and maintenance workshop of the warehouses. On completing its assignment, which had lasted three hours, the Group returned to the Canal Hotel.

IV. UNMOVIC missile inspection team

The team, composed of five inspectors, left the Canal Hotel in Baghdad at 8.30 a.m. and proceeded to the Ma'moun Factory, 50 kilometres south of Baghdad, belonging to the Rashid State Company, one of the companies under the Military Industrialization Corporation (MIC). The team took samples that it would have

analysed outside Iraq in order to verify their composition. These samples contained solid fuel utilized in the Fatah missile. The team also inspected a building. On completing its assignment, which had lasted 1 hour and 1 minute, the team returned to the Canal Hotel.

V. UNMOVIC chemical inspection team

At 7 a.m., 15 inspectors took off from Rashid Airfield on board two UNMOVIC planes. After more than 1 1/2 hours in the air en route to the Ta'mim Governorate, bad weather prevented the planes from landing near the city of Kirkuk. The assignment was thus cancelled and the planes headed back to the Rashid Airfield.

United Nations S/2003/123

Security Council

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31 January 2003
English
Original: Arabic

Letter dated 30 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I wish to place on record the continued acts of aggression carried out by United States and Australian naval units in Iraqi territorial waters, as follows:

1. On 26 December 2002 two patrol boats, each carrying nine persons and both belonging to an Australian naval unit, undertook to inspect the tugboat *Taj al-ma'arik* near buoy No. 1 in Iraqi territorial waters. The inspection process lasted half an hour.

2. A patrol boat carrying 10 persons and belonging to the United States destroyer DDG-59 USS *Russell* committed aggression against the tugboat *Silesia*, which was towing the pontoon *Al-Fayha'* in the inspection zone. Its Iraqi crew of 11 persons was detained and it was permitted to depart with its crew on the same day. The tugboat was carrying 2,000 tons of fuel oil and the oil was towed by the steamship *Fireikel*, which is owned by a person of Greek nationality and is placed under the United Nations.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative

03-23282 (E) 130203 140203

United Nations S/2003/124

Security Council

Distr.: General
31 January 2003

Original: English

Letter dated 16 January 2003 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

I have the honour to request you to circulate this letter as Uganda's reply to the report of the Under-Secretary-General and Secretary-General's Special Representative for Children in Armed Conflict, Mr. Olara Otunnu, to the Security Council on 14 January 2003, as a document of the Security Council.

It was maliciously false for Mr. Olara Otunnu, the Secretary-General's Special Representative for Children, to include Uganda among countries that use child soldiers. Pending a more detailed reply by the Government of Uganda to this baseless accusation, I must rebut totally the accusation that Uganda uses child soldiers.

Mr. Olara Otunnu knows the facts. He fully knows that it is the bandit Lord's Resistance Army (LRA) led by Joseph Kony which abducts children and trains them to kill, maim, mutilate and burn their kith and kin in northern Uganda. The inclusion of Uganda in this report shows clearly that Mr. Olara Otunnu does not want the truth and is afraid of facts. If he had wanted to accuse the LRA, he should have made that distinction because the LRA is not Uganda. The fact that he falsely accused Uganda opens his entire report to doubt as regards references to other countries.

The Government of Uganda has repeatedly extended an invitation to him in his capacity as the Secretary-General's Special Representative for Children in Armed Conflict to visit Acholi, the district of his birth. Such a fact-finding visit to Uganda would make a vast difference from what is clearly an armchair report with respect to Uganda. Olara Otunnu would not only learn the facts on the ground, but he would see for himself the horrific acts of brutality committed by the LRA, especially against the children. Such a visit would also give a chance to Mr. Olara Otunnu to see for himself the efforts undertaken by the Government of Uganda not only in rescuing the abductees, but in rehabilitating them and their parents.

Unfortunately, Mr. Olara Otunnu has up to now not accepted the Government of Uganda's invitation. He has instead chosen to visit neighbouring countries from where he draws conclusions on the situation of children in Uganda.

03-23358 (E) 030203

I want to reiterate that the invitation to him by the Government of Uganda still stands so that he can in the future report to the Secretary-General from an informed position.

(*Signed*) Prof. **Semakula Kiwanuka**, Ph.D
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Uganda to the United Nations

United Nations S/2003/125

Security Council

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31 January 2003
English
Original: French

Letter dated 27 January 2003 from the Secretary-General addressed to the President of the Security Council

As you are aware, my Adviser for Special Assignments in Africa, Mr. Ibrahim Gambari, is participating actively in promoting the peace process in Angola. The efforts he has made have had a positive impact on the relationship between the Angolan Government and the United Nations. On 14 September 2002, I appointed Mr. Gambari as my Special Representative for the implementation of Security Council resolution 1433 (2002), of 15 August 2002.

Mr. Gambari successfully chaired the Joint Commission, an instrument for expanded dialogue between the Government and the União Nacional para a Independência Total de Angola (UNITA), with the participation of the Troika of observers (Portugal, the Russian Federation and the United States of America), designed to find a solution to issues relating to national reconciliation and the accomplishment of the tasks remaining under the Lusaka Protocol (S/1994/1441, annex). The Joint Commission completed its work on 21 November 2002 and Mr. Gambari returned to Headquarters, where he is continuing to perform his functions as non-resident Special Representative, and is helping the Angolan authorities and UNITA to overcome the difficulties associated with the social reintegration of demobilized persons, encouraging respect for human rights and working for national reconciliation.

In addition, Mr. Gambari regularly gives me advice on other issues relating to Africa and on the work of the Ad Hoc Open-ended Working Group on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa. In the context of the proposals I have submitted to the General Assembly with a view to carrying forward the reform process, I have decided to entrust to Mr. Gambari additionally the task of coordinating and guiding the preparation of special reports on Africa in the Secretariat and to place under his responsibility the resources allocated to the Office of the Special Coordinator for Africa and the Least Developed Countries.

Mr. Gambari will continue to give me advice on certain issues relating to Africa, at my request, and is still associated with the initiatives to strengthen peace in Angola, harmonizes the support of the Secretariat for the Ad Hoc Open-ended Working Group of the General Assembly, and coordinates and guides the preparation of reports relating to Africa in the Secretariat.

03-23370 (E) 030203 030203

For the reasons set forth above, I have therefore decided to extend until 28 February 2004 the mandate of Mr. Gambari in his capacity as Adviser for Special Assignments in Africa.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

United Nations S/2003/126

Security Council

Distr.: General
31 January 2003
English
Original: French

Letter dated 31 January 2003 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 27 January 2003 (S/2003/125), concerning your decision to extend the appointment of Mr. Ibrahim Gambari as your Adviser for Special Assignments in Africa until 28 February 2004, has been brought to the attention of the members of the Security Council. They take note of your decision and the information contained in your letter.

(*Signed*) Jean-Marc **de La Sablière**
President of the Security Council

03-23364 (E) 030203 030203

United Nations S/2003/127

Security Council

Distr.: General
31 January 2003

Original: English

Letter dated 28 January 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 4 October 2002 (S/2002/1160).

The Counter-Terrorism Committee has received the attached supplementary report from Nauru, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-24105 (E) 130203

Annex

Letter dated 8 January 2003 from the Permanent Representative of Nauru to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to submit herewith Nauru's response to the preliminary comment/question on the report submitted by the Government of Nauru, pursuant to your letter dated 27 September 2002. The document is annexed to the present letter (see enclosure).

(*Signed*) Vinci N. **Clodumar**
Ambassador
Permanent Representative

Enclosure

REPUBLIC OF NAURU

REPORT TO THE COUNTER-TERRORISM COMMITTEE (CTC) IN RESPONSE TO ITS LETTER OF 27 SEPTEMBER 2002-10-07

PARAGRAPH 1

□ **The Government of Nauru is able to comply with the provisions of paragraph 1 as follows:**

(a) Through its control of the only bank in Nauru the government is able to both prevent and suppress the financing of terrorist acts. This ability is assisted by the fact that at present the Bank of Nauru is inoperable internationally having no existing links with any international banking or other financial institutions. At present the export of more than AUD2,000 in cash from Nauru is prohibited without written approval of the Bank of Nauru.

(b) The government is considering draft legislation to insert a specific chapter in its criminal code dealing with terrorist acts although it is of the view that the criminal code is adequate to deal with any attempt by persons within the jurisdiction to conspire in any way with others to commit terrorist acts by way of the provision of money or kind. (A copy of the initial draft of this legislation is attached).

(c) Nauru is able (as mentioned) to instantly freeze assets of all kinds within its jurisdiction upon suspicion that they may be used by persons involved in or intending to be involved in terrorist acts whether those people are or are not within Nauru's jurisdiction, and to do so by ministerial fiat. Such action may only be temporary and require application to a Court for sanction and continuation of the freeze.

(d) As the government has the power to take action against persons suspected of attempting to make resources available for terrorist purposes by ministerial directive immediately the suspicion is aroused it is presently able to act without delay. However proposed amendments already mentioned may provide additional publicity of the available actions.

□ **Review under way.**

(a)–d) The review under way at present has involved the first draft of proposed legislation and is awaiting comments from legal and financial departments and others that consider their areas may be affected. The review is not, however, progressing as quickly as desired. This has been caused by a degree of political instability and movements of personnel as well as the shortage of qualified personnel on the Island to give the time to the review as well as normal duties. The government is now considering ways to overcome this difficulty and has spoken with officials of CTC with a view to obtaining assistance.

□ **Outline of proposed laws**

(a)-(d) The proposed legislation has a list of section heading as follows:

CHAPTER X(A)
TERRORISM
Interpretation
Acts of Terrorism
Acts of Terrorist Behaviour
Assisting Terrorism or Terrorist Behaviour
Assisting Persons or Organisations Engaged in Terrorist Acts or Terrorist Behaviour
Conspiracy
Proscribed groups
Offence to be a member of a proscribed group
Support of a proscribed group.
Display of support for a proscribed group
Fund-raising
Terrorist Hoaxes and False Information
Obligation to disclose property of terrorist groups
Persons and organization to report on a regular basis
Failure to report as required
Seizure and Restraint of Property
Forfeiture of property
Interim Preservation rights
Co-operation with a Foreign State and International Institutions
Requests to Other States
Consent to prosecutions
Offences outside Nauru
Punishments not otherwise provided for
Offences by corporations
Disclosure Protected
Regulations
SCHEDULE
MISCELLANEOUS PROVISIONS

Amendments to banking and other licences
Amendments to the Anti-Money Laundering Act
Terrorism an Offence for Extradition Purposes

The extent to which the law as finally presented to parliament follows this precise table depends upon the results of the final review.

□ **Criminal Code of Queensland**

(a)-(d) The Code as at present in force contains numerous provisions which are considered sufficient to clearly attack and criminalize financing of terrorism thus:

> The broad definition (section 4) of "attempt to commit offences" is extremely wide in its application not merely to beginning to put an intention into effect but it is immaterial that

the intent was not fulfilled for any reason including desisting of his own motion or that it was actually impossible to commit the offence.

The broad description of possible parties to an offence (section 7) includes persons who commit an offence, persons who do any act enabling or abetting another person to commit an offence. Persons who aid in the commission of an offence and persons who counsel or procure the commission of an offence.
If two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another such that an offence is committed they are individually liable for that offence (section 8)

If a person counsels a person to commit an offence the fact that a different offence is committed is immaterial (section 9)

The Code applies to offences committed in Nauru and also to offences committed outside Nauru (section 12, 13 and 14)

Unless a specific law requires the contrary, motive is immaterial (section23)

A warrant may be issued upon a complaint authorising the seizure of any property (including money) suspected of being intended for use in the commission of an offence (section 679)

Any property seized must be taken before a court and is to be retained pending trial (section 652)

The Republic considers that the Code is sufficient at present to ensure that, the many and varied forms which terrorism and acts of terrorism take or may take are sufficient to ensure that terrorism is criminal conduct, even if the expression is not used, such that any such activity falling within the jurisdiction of Nauru can be dealt with by the law. Indeed it is clear that terrorism as it is generally defined is a sub-class of criminal behaviour and is punishable in Nauru whether or not the behaviour is of a political religious or ideological nature or has as its aim intimidation of any person, organisation or State.

□ Freezing of funds

While the Minister may, and has in the past, acted immediately to freeze funds involved in criminal activity held by the Bank of Nauru (which is 100% government owned) it is normal for any such action to be ratified by the Court as the Minister's action is an administrative decision. Subject to the previous remarks, under the law as it presently stands, any application for the freezing of funds or assets in Nauru would require an application to a Magistrate under the Criminal Code for the issue of a warrant to search the records of a bank or other place where such funds or assets are suspected of being held. The grounds for seeking such an order in the first instance is merely a reasonable belief that the funds or assets are or are likely to be used in the commission of an offence. If any funds or property were not capable of being physically taken into custody a further application would have to be made to restrain the holder/custodian of them from dealing with them without the approval of the Court.

- **Existing and proposed laws.**

Existing laws are referred to above. Proposed laws are found in the attached Bill which is under consideration.

- **Do informal banking networks exist?**

No.

- Has Nauru licensed any off-shore banks?

Nauru has licensed banks incorporated in Nauru that operate outside Nauru and are forbidden to operate in Nauru. Extensive secrecy provisions apply to their activities, subject to being over-ridden by Court order for cause – to date no such application has been made by any person or organisation. However their continued operation along with the continuation of the licensing of bank corporations is under review.

Banks incorporated in Nauru are not, by the conditions of their licences, permitted to advertise for deposits from the public in or outside Nauru and are only permitted to engage in intra-group or "in-house" transactions (that is with related corporations). They are not, under the Banking Act (s. 10), permitted to engage in wholesale or retail trade or import or export trade or have any interest in any commercial agricultural industrial or other undertaking except as they obtain that interest as a result of the satisfaction of a debt and then must dispose of the interest at the earliest opportunity.

PARAGRAPH 2

- **Measures enabling compliance**

(a) Nauru has no history of providing any form of support for terrorism. Nauru is an extremely small and relatively homogenous society with little contact with ideologies (political or religious) outside the Judeo-Christian/western tradition. Nauru's predominant concerns are inward-looking with the future of the Island State of overwhelmingly greater interest than the issues that inflame extreme religious and political activity. No government since Independence has given any consideration to supporting extreme or terrorist activities either within Nauru or outside.

(b) Nauru has for many years had a close relationship with Interpol and the Australian Federal Police as well as the Police Force of the State of Victoria in Australia. Nauru has often received information requesting it to be on the watch for criminals and suspected criminals and has assisted wherever it can. Should Nauru ever be in the position of having to provide early warning to other States it is believed that existing police as well as diplomatic relations would enable swift warning to be both given and received.

(c) Nauru maintains very strong control over persons who are permitted to enter the country and denies entry to many classes of person including persons whom it has been informed may have terrorist or other criminal links. From time to time persons who have been given passage by other countries to transit Nauru cause problems for Nauru at their destination as Nauru is invariably blamed for their passage.

(d) Because Nauru does not have a banking system capable of hosting facilities for financing terrorism this is not looked upon as a significant issue. For the reasons already referred to, Nauru does not consider the possibility of preventing persons using Nauru for terrorist planning and the like, to be a matter of immediate concern.

(e) Should persons in Nauru be found to be connected with any aspects of terrorism, they would be apprehended and brought to justice. Any applications for their extradition, if they were not Nauruan persons, would be readily received.

(f) Nauru has always co-operated with foreign police forces in criminal investigations and proceedings and does not see this changing.

(g) Nauru's border controls are very effective and strict control on entry is maintained. Nauru does not have expertise in detecting counterfeit, forged or fraudulent documentation and relies on other countries for early warning or advice.

□ **Prohibition of recruitment**

At present there are no laws prohibiting the recruitment of persons by or for terrorist groups. The issue is dealt with in proposed legislation.

□ Prohibition of brokerage of weapons

There are no such laws as firearms and explosives are prohibited in Nauru except for use by the Police Force and the latter item, by license (import) issued to the Nauru Phosphate Corporation for its mining operation. Any other person or entity dealing with weapons would commit an offence and would be prosecuted under current laws.

□ Early warning

Nauru's Police Force is the first line for giving warnings should they be required and this would be supported through the departments of Immigration and Foreign Affairs.

□ Passports and identity papers are issued only by the passports section of the department of Foreign Affairs and passports are printed for Nauru by foreign security printers. Blank passports are maintained under secure "lock and key" in the department.

□ It is believed that at present none have been gazetted. The issue has not arisen in the past 29 years and has been largely ignored. The issue is one that will be reviewed along with other issues concerning Nauru's international obligations.

□ There are none.

PARAGRAPH 3

□ There are none.

□ Nauru signed the UN Convention for the Suppression of the Financing of Terrorism on November 12, 2001 at the United Nations. Nauru will ratify the Conventions once the proposed legislation refer to above is passed by the Nauru Parliament.

□ With respect to the other conventions on terrorism, Nauru has acceded to the following:

Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1977): accession date: 17 May 1984;

Hague Convention for the Suppression of the Unlawful Seizure of Aircraft (1971): accession date: 17 May 1984

Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963): accession date: 17 May 1984

Nauru anticipates to ratify or accede to, as the case may be, the remaining conventions of terrorism in the very near future following on the exercise to update relevant domestic laws are amended to reflect international norms on such offences.

□ Nauru does not accept asylum seekers. Persons presently on Nauru are, by agreement, under the jurisdiction of the Government of Australia and the United Nations. Should Nauru be requested to accept any of the persons as refugees it would find it difficult to do so whether at the request of Australia or the United Nations.

□ The restrictions upon allowing extradition are

(a) that the offence of which that person is accused or was convicted is an offence of a political character;

(b) that the request for his return, though purporting to be made on account of a relevant offence, is in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinions; or

(c) that he might, if returned, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions.

Extraditable offences are:

1. Murder of any degree
2. Genocide
3. Manslaughter or culpable homicide
4. An offence against the law relating to abortion
5. Maliciously or wilfully wounding or inflicting grievous bodily harm
6. Assault occasioning actual bodily harm
7. Rape

8. Unlawful sexual intercourse with a female
9. Indecent assault
10. Procuring, or trafficking in, women or young persons for immoral purposes
11. Bigamy
12. Kidnapping, abduction or false imprisonment, or dealing in slaves
13. Stealing, abandoning, exposing or unlawfully detaining a child
14. Bribery
15. Perjury or subornation of perjury or conspiring to defeat the course of justice
16. Arson or fire-raising
17. An offence concerning counterfeit currency
18. An offence against the law relating to forgery
19. Stealing, embezzlement, fraudulent conversion, fraudulent false accounting, obtaining property or credit by false pretences, receiving stolen property or any other offence in respect of property involving fraud
20. Burglary, housebreaking or any similar offence
21. Robbery
22. Blackmail or extortion by means of threats or by abuse of authority
23. An offence against bankruptcy law or corporation law
24. Malicious or wilful damage to property
25. An act done with the intention of endangering a vehicle, vessel or aircraft
26. An offence against the law relating to dangerous drugs or narcotics
27. Piracy
28. Revolt against the authority of the master of a ship or the commander of an aircraft
29. Hi-jacking aircraft
30. Money laundering

PARAGRAPH 4

□ Addressing concerns

Nauru is considering the ways in which its privacy laws concerning corporations should be dealt with in order to ensure that they are not used as a cover for criminal activity. Other aspects will be dealt with in proposed anti-terrorism laws and the anti-money laundering laws.

OTHER MATTERS

□ Organizational Chart

Two box diagrams are enclosed setting out the current structure of the Government under the Nauru Constitution (diagram 1) and structure of the Secretariats under the Public Service Act (diagram 2). The Constitution allows a minimum of four and a maximum of six members of the Cabinet including the President who shall be the Chairman of the Cabinet. There are six members of the present Cabinet. The seven main ministries are Foreign Affairs, Public Service, Finance, Justice, Health, Education and Public Works. The President holds the portfolios of Foreign Affairs and Public Service.

All matters relating to finance are handled by the Treasury Department which reports to the Minister for Finance. It is envisaged that when the Financial Intelligence Unit and other supervisory bodies are created, they would be placed under the Treasury Department.

The Department of Justice operates as a Secretariat for the Ministry of Justice and handles all legal matters for the Republic. The Secretary for Justice is also the Director of Public Prosecution, and the Registrar of Corporation under the Nauru Corporation Act.

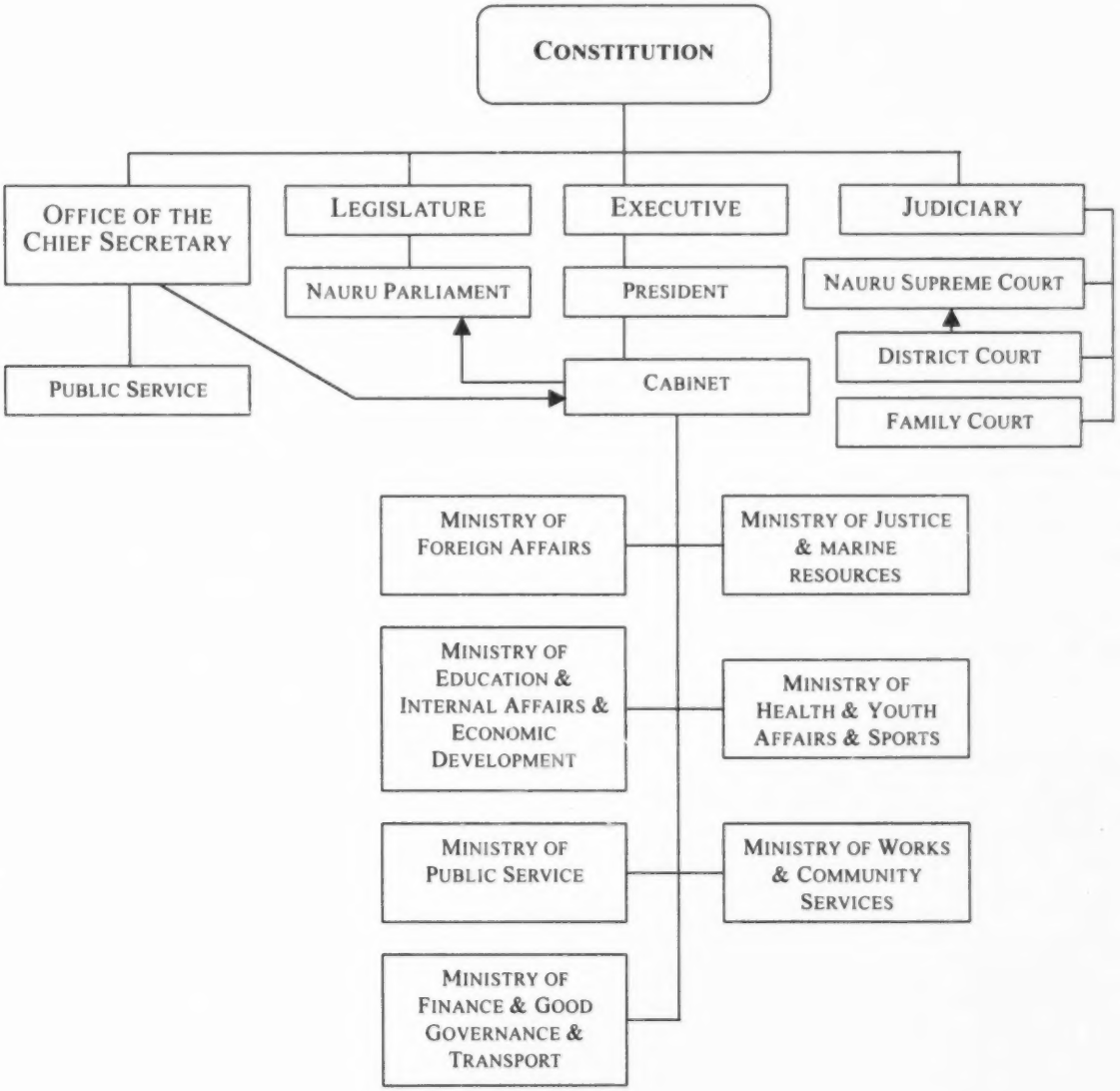
The Police Department is headed by a Director who manages the law enforcement force of the Republic as well as the Immigration and Customs Division.

□ The Commonwealth Secretariat established an Expert Working Group to draft a "model legislation of measures to combat terrorism" to meet the objectives of SC resolution 1373 (2001) and the FATF Special 8 Recommendations on the suppression of the Financing of Terrorism. The Technical Assistant Team (TAT) of the Security Council Counter-Terrorism Committee had provided the Permanent Mission of Nauru to the UN a copy of this draft model and the Report of the Expert Working Group on Legislative and Administrative Measures to Combat Terrorism.

ASSISTANCE

Ambassador Clodumar of the Nauru Permanent Mission to the United Nations has commenced discussion with Ambassador Ward to address these matters.

Structure of the Government of the Republic of Nauru
(Diagram 1)



Administration structure
(Diagram 2)